

**AGENDA ITEM NO: 9/3(a)**

<b>Parish:</b>	<b>Brancaster</b>	
<b>Proposal:</b>	<b>Construction of a new dwelling following demolition of the existing house</b>	
<b>Location:</b>	<b>Salcombe Cross Lane Brancaster King's Lynn</b>	
<b>Applicant:</b>	<b>Mr T Ornellas</b>	
<b>Case No:</b>	<b>16/00026/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mr C Fry</b>	<b>Date for Determination:</b> <b>8 March 2016</b> <b>Extension of Time Expiry Date:</b> <b>12 June 2016</b>

**Reason for Referral to Planning Committee** – Contrary to Brancaster Parish Councils views and called in by Cllr. Watson.

**Case Summary**

This site lies within an area designated as Built Environment Type D, Conservation Area and an Area of Outstanding Natural Beauty.

The site lies within the buffer of the Scheduled Ancient Monument Branodunum.

Currently the site comprises of a modest 2 storey dwelling with attached flat roof double garage set behind a hedgerow that flanks the Cross Lane boundary.

The site benefits from an extant permission to demolish the existing dwelling and erect 2 4 bedroom detached dwellings.

The proposal seeks consent to demolish the dwelling and erect a 2 storey detached dwelling with 2 storey front and rear projections.

**Building for Life Score**

Principle of Development/Planning History/Form and Character  
Impact upon the Conservation Area  
Impact upon the Area of Outstanding Natural Beauty  
Impact upon the setting of the Scheduled Ancient Monument  
Impact upon Neighbour Amenity  
Highway Safety  
Other Material Planning Considerations

**Recommendation**

**APPROVE**

## THE APPLICATION

The site lies within an area designated as Built Environment Type C according to Local Plan Proposals Maps for Brancaster. The site is also contained within the Conservation, Area of Outstanding Natural Beauty and close to a Scheduled Ancient Monument.

The site is on the northern side of Cross Lane, Brancaster set behind established hedging that fronts Cross Lane. The site contains a buff brick, pantile, two storey hipped roof dwelling with an attached flat roof double garage.

Access to the property is shared with a property behind the application site.

The site slopes away in a northerly direction.

The form and character of development in the locality comprises of substantial 2 storey detached dwellings on ample sized plots on the northern side of Cross Lane and single and two storey more dense development to the south, the Branodunum estate.

Cross Lane has a green feel to it with established trees and hedged boundary treatment.

The application seeks consent to demolish the existing property and erect a four bedroom detached property constructed from brick and flint with pantile roof. The property has a two storey central "tower" feature to the front and attached double garage. The proposed property will also have single and two storey rear projections.

The site does have an extant permission for the erection of 2 detached – 4 bedroom properties 14/000038/F.

## SUPPORTING CASE

The application has been supported by a suite of documents:-

- Design and Access Statement
- Archaeological Assessment
- Tree Report
- Contamination Report
- Heritage Statement

### *Design and Access Statement*

- The proposal site benefits from planning permission for the erection of 2 new dwellings following the demolition of the existing house (14/00038/f) approved on 12th March 2014
- The existing access will remain unaffected and serves the single house as it does at present
- Existing house is to be demolished and replaced by a single house
- The design of the proposed house has been carefully thought through to avoid overlooking and over-shadowing of the adjacent property and to minimise the views without comprising its neighbours
- The style is much like the style of recent houses constructed along Cross Lane and indeed the style of the houses already approved using chalk with brick dressings, pantile roofs and wooden painted windows

- The proposed development has a footprint of 346m<sup>2</sup> compared to 344m<sup>2</sup> for the previous permission and existing house at 143m<sup>2</sup>.
- The proposal reduces the impact of 2 dwellings by proposing 1.
- The hedge at the front will be supplemented.

#### *Archaeological Evaluation*

- Three parallel ditches were found, one of which was dated as Roman and contained brick and animal bone. The other 2 ditches and were devoid of artefacts.

#### *Tree Report*

- Two scots pine trees are to be removed as a result of the siting of the dwelling.

#### *Heritage Statement*

- The site is located approximately 140m west of the boundary around Branodunum Fort itself.
- The site is not encapsulated by the blanket schedule of the monument associated with the Fort as this terminates at the eastern boundary of the site.
- Although the extended area of the scheduled ancient monument extends up to the boundary of the site there remains a significant distance between the actual fort and the proposed dwelling, there are 2 dwellings and their gardens separating the site from the open space associated with the fort and considerably more if a straight line is taken.
- From the north, on the coastal path the site and the fort cannot be seen in conjunction with each other.
- From the east, it is only just possible to see the site and northern most extent of the Fort boundary although the site is very much at an oblique angle to this view.

### **PLANNING HISTORY**

14/00038/F: Application Permitted: 12/03/14 - Construction of two new dwellings following demolition of existing house

### **RESPONSE TO CONSULTATION**

**Parish Council: OBJECTION** to the original scheme contrary to the Brancaster Neighbourhood Plan.

**Highways Authority: NO OBJECTION** subject to condition

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** subject to conditions.

**Arboricultural Officer:** Would wish to see the trees retained in the street scene.

**Historic Environment Service: NO OBJECTION** subject to condition

**Conservation Officer: NO OBJECTION** the revised proposal addresses many of my earlier concerns and those of CAAP in that its mass has been reduced and the various levels have been simplified making it look considerably less muddled and more comfortable in its setting. Conditions in regards to a sample panel and joinery details required.

**Historic England: Comments** – We welcome the applicant's amendments to the building, removing dormers and reducing the height of the eaves. This would reduce the scale and mass of the development; however the height and the visibility of the new building in views from inside the schedule monument would remain largely unchanged. In terms of the impact upon the setting, we are comfortable that this is unlikely to result in a high level of harm.

We do not have any objection to the site's redevelopment in principle. When determining the application, the Council should be satisfied that there is a clear and convincing justification for the "less than substantial" harm to the significance of the scheduled ancient monument, and that it is outweighed by the benefits of the proposal, in line with paragraphs 132 and 134 of the NPPF.

A condition should be attached in relation to the eastern boundary treatment and the need for Scheduled Ancient Monument Consent.

## **REPRESENTATIONS**

**THREE** letters received **OBJECTING** to the application on the following grounds:-

- Overlooking issues into bedroom windows of the property to the north
- 2.4 times larger than the existing 4 bedroom house.
- Further encouraging holiday properties in a village
- Site plan shows parking for 5 cars as well as a double garage.
- Out of proportion with Cross Lane.
- Access to neighbouring property would be affected.

## **NATIONAL GUIDANCE**

**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

## **PLANNING POLICIES**

The King's Lynn and West Norfolk Local Plan (1998) contains the following saved policies that are relevant to the proposal:

**4/21** - indicates that in built-up areas of towns or villages identified on the Proposals Map as Built Environment Type C or D development will be permitted where it is in character with the locality.

**8/1** - indicates that individual and small groups of dwellings will be permitted in settled or built-up areas of villages defined as Built Environment Types C and D.

## **NEIGHBOURHOOD PLAN**

**Policy 1** - Size of Houses

**Policy 2** - Design, Style and Materials

**Policy 3** - Footprint for New and Redeveloped Dwellings

**Policy 4** - Parking Provision

**Policy 5** - Replacement Dwellings

**Policy 6** - Affordable/Shared Ownership Homes

**Policy 7** - Development of Shops, Workshops and Business Units

**Policy 8** - Protection of Heritage Assets and Views

**Policy 9** Protection and Enhancement of the Natural Environment and Landscape

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** - Transport

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT**

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

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **OTHER GUIDANCE**

Brancaster Parish Plan

## **PLANNING CONSIDERATIONS**

The main issues in relation to the determination of this application are:

- Principle of Development/Planning History/Form and Character
- Impact upon the Conservation Area

- Impact upon the Area of Outstanding Natural Beauty
- Impact upon the setting of the Scheduled Ancient Monument
- Impact upon Neighbour Amenity
- Highway Safety
- Other Material Planning Considerations

### **Principle of Development / Planning History /Form and Character**

The site lies within the AONB and Built Environment Type C and the Conservation Area. Development will need to have regard for development the characteristics of the built environment. Great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection.

The site has permission for the erection of 2 dwellings granted in March 2014, 14/00038/F. The 2 dwellings are 4 bedroom properties with double garages. However, since the determination of 14/00038/F, the Brancaster Parish Neighbourhood Plan (NP) has been adopted and now forms part of the Development Plan. Policies 1-3 and 5 of the NP are particularly relevant to this proposal.

Policy 1: Size of Houses: The provision of smaller dwellings (those with one two or three bedrooms) will be encouraged. (Rooms otherwise designated on plans but clearly capable of use as bedrooms will be counted as bedrooms for the purposes of this policy).

- Dwellings of 5 bedrooms or more will, exceptionally, be allowed where evidence is provided that this is needed to provide the main residence of a household with long standing residency in the Parish.
- New dwellings should be a maximum of two storeys in height. If extra room is needed it should be obtained by putting rooms in the roof rather than a full third storey.
- Care and consideration should be given to retaining the views within, and of, the Area of Outstanding Natural Beauty, the Conservation Area, and listed buildings.

Policy 2: Design, Style and Materials requires any new dwelling, redevelopment or extension to a dwelling in the area to be carefully designed to blend in with adjacent properties and areas to maintain the character of the village. The use of traditional materials, especially those sourced locally and of low ecological impact material and techniques will be encouraged.

Policy 3: Footprint for New and Redeveloped Dwellings requires new, redeveloped and extended residential buildings to 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 by higher plot coverage.

Policy 5: refers specifically to replacement dwellings which should occupy no more than 50% of their plots, and where the replaced dwelling occupied greater than 50% of the plot the replacement dwelling should occupy a smaller proportion than its predecessor.

An increase in number of dwellings above those replaced will only be acceptable where the resulting plot coverage does not exceed 50%.

These requirements will be relaxed where the setting of a listed building, or the character and appearance of the conservation area, would be better conserved by greater plot coverage.

An increase in height over the replaced building will only be acceptable where this is compatible with the appearance of adjacent buildings and the amenity of their occupiers.

The original proposed dwelling had six bedrooms and 1 snug/bedroom. The property was 2/1/2 storey high with a flint, red brick and dormer windows. The property also had a lean to side element and two storey pitched and roof projections of the rear. A vertically dominant 2 ½ storey “tower” extension projected from the front elevation along with a double garage front projection. The proposed dwelling would have failed Policy 1 of the Brancaster Neighbourhood Plan.

Following discussion with the agent the scheme has been revised. The property is now two storey, albeit 1.4m higher than the original property at ridge height, has 4 bedrooms, has removed the lean to side element and has broadened the central tower feature on the front elevation.

The existing dwelling on site covers approximately 143 sqm which equates to approximately 9% of the total site. The proposed replacement dwelling has a floor area of 346m<sup>2</sup>, approximately 22% of the total site.

In this case the size of the site is similar to that of Southgate House and Kingfishers. In footprint terms the proposed replacement would be 2.41 times the existing, but the dimensions of the site allow for this without harm to the streetscene. It is also worth noting that the footprint of the extant 2 dwelling houses permission total 344m<sup>2</sup> which is similar to that proposed.

The existing house on site is of modest proportions and retains a significant amount of space along the eastern boundary of the site and has spacing to the west of the site by virtue of the road serving the property behind. This spacing is not apparent in the street scene by virtue of significant trees that line the eastern boundary of the site and the hedging to the front. The revised scheme, as reduced in width, still allows for a significant amount of spacing around the western side of the dwelling and the single storey element along the eastern boundary would not enclose the spacing as the spacing along the eastern boundary is not evident in the street scene.

The replacement dwelling is marginally taller than the existing, but it is considered that this can be accommodated in the street scene. The proposed dwelling is shown to be constructed of traditional building materials, including brick and flint with a red clay pantile roof. This is in keeping with the village.

### **Impact upon the Conservation Area**

The site is within the Conservation Area, and accordingly in line with S.72 of the Town and Country Planning Listed Buildings and Conservation Areas act, special attention must be paid to the desirability of preserving or enhancing the character of such an area. Policy CS12 of the Local Development Framework Core Strategy requires proposals to protect and enhance the historic environment.

The properties along this part of Cross Lane are varied in character. Those on the northern side are substantial two storey detached properties on ample sized plots compared to the estate Branodunum which is a denser form of single and two storey development.

Taking into account the massing of the extant scheme, taking up the plot's width, (albeit on a staggered siting), it is considered that the proposed property is an improvement in terms of its massing as it does not fill the whole extent of the plot. Additionally the massing of the main element of the property is broken up by the proposed projecting two storey element.

The Conservation Officer comments that the revised design renders the property to be more comfortable in its setting and has no objection to the proposal but would require conditions in respect to a sample panel of materials and joinery details.

With the submission of the revised set of plans and the extant permission, it is considered that the proposed dwelling would not result in a dwelling that is of a scale, mass or design that would be at odds with this particular part of Brancaster or the Conservation Area, which is characterised by a number of substantial dwellings of differing styles.

It is therefore considered that the proposed development is in general accordance with the relevant policies of Brancaster's Neighbourhood Plan, local and national policy.

### **Impact upon the Scheduled Ancient Monument**

The Brancaster Scheduled Ancient Monument encompasses the wider area around the fort relating to the associated settlement.

According to the Heritage Statement, The site is approximately 140m west of the boundary of Branodunum Fort, but not contained within the blanket scheduled monument associated with the Fort as it terminates at the eastern boundary of the site.

Historic England essentially does not object to the amended design commenting that the removal of dormers and reducing the height of the eaves has reduced the scale and mass of the development.

Historic England requests 2 conditions. A condition in respect to details of the eastern boundary and a condition in respect to requiring scheduled ancient monument consent, as a Grampian condition. Both conditions are not considered to be necessary. There is no proposal to replace the existing eastern boundary treatment and with the marginal increase in height of the property beyond the existing property's ridge height, its scale compared to the existing property, the distance to the fort itself, and the extant permission for 2 dwellings, means it is not considered to cause harm to the setting of the Scheduled Ancient Monument. The requirement for Scheduled Ancient Monument consent will be covered by way of an informative.

### **Impact upon the AONB**

Policy 9 of the Brancaster Neighbourhood plan requires new development to not adversely affect the statutory purposes of the Area of Outstanding Natural Beauty.

AONB's have the highest status of protection in relation to landscape and scenic beauty. The scale of the replacement dwelling is larger than the property it seeks to replace, but it is not considered this will likely have a detrimental impact upon the landscape character of the surrounding countryside nor the character of the village.

Given that the dimensions of the dwelling are compatible with surrounding development it is considered that the proposed development will not have a detrimental impact upon the natural beauty of the landscape in this designated area and there will be no harm to the wider scenic beauty of the AONB.

### **Impact upon Neighbour Amenity**

Third party representations are concerned about being overlooked. The two storey element and balcony of the property is some 22.5m away from the northern boundary of the site and the property another 30m beyond.



The separation distance of 55m is also more than adequate to overcome any overbearing or overshadowing issues upon this neighbour. The balcony on the rear will be screened and a condition in respect to obscure glazing is to be attached to protect the neighbour's amenity.

Views will not be directly afforded into the neighbouring sites to the east or west, with outlook from the rear elevation being towards the rear garden of these neighbours only.

The bedroom window in the east facing gable will look towards the secondary window to a bedroom on the west elevation of the adjacent neighbour. The separation distance is 12.5m. It is considered that whilst this is not an ideal relationship, it is to a secondary window and therefore the relationship is not of sufficient detriment to warrant a refusal of the application.

### **Highway Safety**

Brancaster Neighbourhood Plan Policy 4: refers to parking provision for new dwellings, and this application meets the terms of this policy.

The Local Highway Authority has no objection to this proposal on highway safety grounds subject to conditions.

### **Other Material Considerations**

Crime and Disorder - There are no specific crime and disorder issues arising from the proposed development.

The Arboricultural Officer does not wish to see two trees towards the eastern boundary of the site removed. However they need to be removed as part of implementing 14/00038/F, accordingly a refusal of the proposal on the basis of the loss of these trees would be unreasonable.

### **CONCLUSION**

Whilst contrary to the Parish Council and third party representatives, your officers believe the proposed development, as now amended, is in general accordance with national and local policy including those contained within the Brancaster Neighbourhood Plan.

The proposed development is considered to be of a scale, mass, design and of materials that relate adequately to the locality and would not result in any material harm to the character and appearance of the Conservation Area or the wider landscape qualities of the AONB, nor the scheduled ancient monument. The development, subject to conditions, would not be of detriment to neighbour amenity or highway safety.

It is therefore recommended that this application be permitted subject to the following conditions.

### **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:-
  - Site & Location Plans drawing no.2/833/3C dated May 2016 dated 4th May 2016
  - Proposed Ground Floor Plans 2/833/4A dated April 2016 received 3rd May 2016
  - Proposed First Floor Plans drawing no. 2/833/5B dated April 2016 received 3rd May 2016
  - Proposed Elevations drawing no. 2/833/6B dated April 2016 received 3rd May 2016.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition No development shall take place on any external surface of the development hereby permitted until samples of the materials to be used in the construction of the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 3 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 4 Condition Prior to the commencement of the development hereby approved, a survey specifying the location and nature of asbestos containing materials and an action plan detailing treatment or safe removal and disposal of asbestos containing materials shall be submitted to and approved by the local planning authority. The details in the approved action plan shall be fully implemented and evidence shall be kept and made available for inspection at the local planning authority's request.
- 4 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.

This also needs to be a pre-commencement condition given the fundamental details linked to asbestos containing materials which need to be planned for at the earliest stage in the development.

- 5 Condition Prior to first occupation of the development hereby approved evidence of the treatment or safe removal and disposal of the asbestos containing materials at a suitably licensed waste disposal site shall be submitted to and approved by the local planning authority.
- 5 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.
- 6 Condition Prior to the first occupation of the development hereby permitted a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage (and additionally along the flank frontage of the adjacent property as outlined in blue on the submitted details).

The parallel visibility splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

- 6 Reason In the interests of highway safety.
- 7 Condition No development shall take place until a Written Scheme of Investigation for a programme of archaeological works has been submitted to and approved by the local planning authority in writing. The scheme shall include:
  1. An assessment of the significance of heritage assets present
  2. The programme and methodology of site investigation and recording
  3. The programme for post investigation assessment of recovered material
  4. Provision to be made for analysis of the site investigation and recording
  5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  6. Provision to be made for archive deposition of the analysis and records of the site investigation
  7. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 7 Reason To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 8 Condition No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 7.
- 8 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 9 Condition The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 7; and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 9 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 10 Condition Prior to the first occupation of the development hereby approved the new hawthorn hedge shall be planted in accordance with details stated on drawing no. 2/833/3C dated 4th May 2016 received 4th May 2016. Any 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.
- 10 Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 11 Condition Prior to the installation of any air source heat pump(s) a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the sound power levels of the proposed unit(s) and provide details of antivibration mounts, or noise attenuation measures. The scheme shall be implemented as approved and thereafter maintained as such.

- 11 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 12 Condition Notwithstanding the details received, prior to the first use of the roof terrace hereby permitted, full details of the proposed screening to be erected along the northern elevation of the balcony shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the appearance, height and positioning of the screening on the balcony. The screening shall be erected in accordance with the approved details prior to the first use of the roof terrace and be retained thereafter as approved.
- 12 Reason In the interests of neighbour amenity in accordance with the principles of the NPPF.
- 13 Condition Notwithstanding the approved plans, prior to the installation of the doors and windows to the property hereby approved:- details of the joinery works (with cross sections) at scale of 1:20 involving windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.
- 13 Reason To ensure that the design and appearance of the development is appropriate in accordance with the principles of the NPPF.