

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

<b>Parish:</b>	<b>Hunstanton</b>	
<b>Proposal:</b>	<b>Replacement house and studio annex</b>	
<b>Location:</b>	<b>91 South Beach Road Hunstanton Norfolk PE36 5BA</b>	
<b>Applicant:</b>	<b>Mr And Mrs Lee</b>	
<b>Case No:</b>	<b>15/01989/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs Jade Calton</b>	<b>Date for Determination: 4 February 2016 Extension of Time Expiry Date: 10 June 2016</b>

**Reason for Referral to Planning Committee** – Environment Agency Objection.

**Case Summary**

The application site comprises a single storey dwelling situated on the eastern side of South Beach Road, Hunstanton.

The application proposes to construct a replacement dwelling and detached garage.

The site lies within a Main Town as classified within the Core Strategy's Settlement Hierarchy.

**Key Issues**

Principle of development;  
Form and character;  
Impact on neighbour amenities;  
Highway safety; and  
Flood Risk

**Recommendation**

**APPROVE**

**THE APPLICATION**

The application site comprises a single storey dwelling situated on the eastern side of South Beach Road, Hunstanton. The dwelling has no occupancy restriction. The site is under the same ownership as the 10 berth caravan site to the rear.

The area is characterised by residential properties, some holiday homes and some used permanently. Directly to the north is a bungalow and to south are two storey flats.

Full planning permission is sought for a replacement dwelling and a detached garage.

The proposed dwelling is two storeys in height with accommodation in the roof. All habitable accommodation will be located to the first and second floors due to flood risk. A swimming pool, gym, store and changing room / WC will be located at ground floor.

The proposed dwelling will have three bedrooms (the same as the existing dwelling) located on the first floor and the lounge area and kitchen diner will be located on the second floor to enjoy views towards the sea.

The existing dwelling has a footprint of approximately 102 square metres compared to the proposed dwelling which has a footprint of 157 square meters.

It is also proposed to construct a detached garage to the south of the site. Amended plans have been submitted addressing concerns over the scale of the garage and omitting the proposed annexe accommodation to the first floor.

The garage is now in-line with the scale of a previously approved garage on the site under planning reference: 10/00466/F, in terms of its footprint and height. The first floor is now proposed to be used as a games room.

## **SUPPORTING CASE**

A Planning Statement accompanies the application and makes the following case:-

“The application is for a house and garage, designed to be used as holiday accommodation. The new main house replaces a present bungalow that has no occupancy restrictions. The garage is on part of the site that benefits from a permission for a replacement garage/office building.

It lies within the Hunstanton Holiday Zone and is a high zone 3 flood risk area.

The existing property has no occupancy restriction so can be occupied all year round, including during the period when the highest risk of flooding occurs in the winter months. All the bedrooms in the existing house are on the ground floor. The existing dwelling is unlikely to withstand the hydrostatic pressures it would be subject to in the event of a severe flood.

It is suggested the proposed property need not have an occupancy restriction as habitable accommodation would be provided at 1st floor level and within the roof. This is all well above anticipated flood levels. There is no increase in the number of bedrooms to be provided. The new dwelling would be constructed to withstand hydrostatic pressures and would incorporate flood resilient construction techniques. A flood evacuation plan will also be secured.

The proposed dwelling therefore offers significant betterment compared to the existing house that would reduce the impact of flood events upon occupants as well as upon the structure itself.

The form and character of the development in the locality is mixed with single, two storey and three storey dwellings evident in the street scene. The proposed dwelling fits in well with the street scene”.

## PLANNING HISTORY

12/01633/CU: Application Permitted: 06/12/12 - Use of caravan park for 10 static caravans and retention of existing caravan as office / security unit - 91 South Beach Road, Hunstanton

10/00466/F: Application Permitted: 07/05/10 - Erection of double garage with office to first floor - 91 South Beach Road, Hunstanton

09/01783/CU: Application Permitted: 16/12/09 - Change of Use Application to site 10 caravans - 91 South Beach Road, Hunstanton

09/01027/CU: Application Refused: 25/08/09 - Siting of 10 touring caravans - 91 South Beach Road, Hunstanton

06/00213/O: Application Refused: 15/03/06 - Outline Application: construction of dwelling following demolition of existing dwelling following fire damage (renewal) - 93 South Beach Road, Hunstanton - Appeal Dismissed 22/12/06;

2/93/1559/F: Application Permitted: 15/12/93 - Continued use as caravan site for ten touring caravans and retention of toilet block - 91 South Beach Road, Hunstanton

2/02/1930/O: Application Permitted: 18/02/03 - Site for construction of dwelling following demolition of existing dwelling following fire damage - 93 South Beach Road, Hunstanton

2/02/0823/F: Application Withdrawn: 04/02/03 - Construction of 12 holiday apartments - 91 - 93 South Beach Road, Hunstanton

## RESPONSE TO CONSULTATION

**Parish Council: SUPPORT** – it's a vast improvement on the existing building, is of a water compatible design, flood resilient with first floor accommodation being higher than worse flood risk scenario. HTC is aware of the approval of the applications for number 71 and 53 in 2014 when no occupancy restrictions were imposed.

**Highways Authority: NO OBJECTION** conditionally.

**Environment Agency: OBJECT** – The Planning Statement indicates that the dwelling will be occupied all year round, which is contrary to the third criteria of the Coastal Flood Risk Planning Protocol.

**Emergency Planner:** Recommends conditions are imposed requesting the occupiers sign up to the Floodline Warnings Direct and a Flood Evacuation Plan is prepared.

## REPRESENTATIONS

None received.

## 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.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS05** - Hunstanton

**CS07** - Development in Coastal Areas

**CS08** - Sustainable Development

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

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

**DM15** – Environment, Design and Amenity

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

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

## **OTHER GUIDANCE**

Hunstanton Parish Plan

## **PLANNING CONSIDERATIONS**

The main considerations in the determination of this application are:-

- Principle of development;
- Form and character;
- Impact on neighbour amenity;
- Highway safety; and
- Flood Risk

## **Principle of Development**

Hunstanton is classified as a 'Main Town' within the Core Strategy's Settlement Hierarchy. The focus for such areas is to maintain and enhance the roles of the town providing essential convenience services, opportunities for employment, residential and / or tourist facilities.

Emerging Policy DM18 states that replacement dwellings will only be permitted in Flood Zone 3 where all seven of the criteria regarding replacement dwellings are satisfied. This will be addressed later in the report.

## **Form and Character**

South Beach Road is characterised by linear development fronting the highway but varying in scale and design. There are a mix of bungalows, chalet style properties, two storey properties (some being flats) and two-and-a-half storey properties.

There has been some larger, more contemporary replacement dwellings approved recently at numbers 53, 71 and 85 South Beach Road which are comparable to the proposal.

The proposed dwelling would be two storeys with accommodation in the roof to avoid ground floor living accommodation. Its ridge line is comparable to other two storey properties within the area. The ridge line of the front gable projection sits approximately 1.8m higher than the remainder of the property and the central section of the gable is fully glazed to benefit from the views towards the sea.

This contemporary design and scale is becoming more apparent in the locality and is not considered to cause detrimental harm to the street scene.

## **Impact on Neighbour Amenity**

There is a bungalow to the north of the application site and a block of two storey flats to the south within the site. Although the proposed dwelling is taller than the existing dwelling, it is sited no further north of the site than the existing dwelling and there will be a separation distance between the proposed property and the neighbouring property of approximately 16m (entrance to the associated caravan site).

The lower two storey element of the proposed dwelling is located to the north of the site, closest to the neighbouring bungalow. However, the separation distance of 16m will reduce any overshadowing or overbearing impact resulting from the proposed dwelling, thus causing no material impact to the amenities of the neighbouring occupants.

There is a balcony on the north elevation serving a bedroom but it is not considered to cause material harm to the amenity of the neighbouring residents due to the separation distance of 16m between the two properties.

There is another small balcony on the southern side elevation of the proposed dwelling which also serves a bedroom. There is a separation distance of approximately 17m between the proposed dwelling and the neighbouring flats to the south. However, the proposed garage will be located to the south of the application site and will help to obscure views from the balcony.

Following the submission of amended plans, reducing the overall size of the proposed garage, due to its nature and scale, together with the direction of the sun, there will be no material overlooking, overshadowing or overbearing impact upon neighbouring residents to the south.

Overall there are no amenity issues which would warrant a refusal of the proposal.

### **Highway Safety**

It is proposed to utilise the existing vehicular access. The Local Highway Authority has raised no objection to the proposal subject to conditions relating to gates and barriers to open inwards; the laying out of the parking and turning area; and the garage to provide ancillary accommodation only.

### **Flood Risk**

The application proposes the replacement of an existing dwelling house, which is situated in Flood Zone 3 and is at high risk of tidal flooding according to the Council's adopted Strategic Flood Risk Assessment (SFRA). The SFRA also shows the site to be in a Hazard Zone meaning that it would flood rapidly and to some depth in the event of a breach or over-topping of the flood defences.

NPPF states that development should be guided towards areas at lowest risk of flooding and should be subject to the Sequential Test and if required the Exception Test. This is reflected in National Planning Policy Guidance on development and flood risk. The same stance is broadly reflected in Policy CS08 of the Local Development Framework Core Strategy.

The proposal is for a replacement dwelling. Given this, it is not considered appropriate to apply the sequential test as the unit would remain even if other sites at lower risk of flooding were to be identified.

Policy CS07 – Development in Coastal Areas of the Local Development Framework Core Strategy states that the Council will, amongst other things, resist new and replacement dwellings and the extensive alteration of dwellings and relaxation of occupancy limitations unless the outcome of the Shoreline Management Plan (SMP) acknowledge the absence of risk or promotes the retention and/or improvement of local defences. The SMP does not acknowledge the lack of risk and improvement to the defences is not assured at present.

Detailed local guidance has been provided in a joint position statement between the EA and the Council, entitled Coastal Flood Risk – Planning Protocol, Wolferton Creek to Hunstanton (2010). This position statement is embodied in and will eventually be superseded by emerging Policy DM18.

Both the Protocol and DM18 state replacement dwellings will only be permitted in flood zone 3, where “all of the following 7 criteria are satisfied”.

The criteria are:-

1. A Flood Risk Assessment (FRA) must be undertaken for the development.
2. All habitable accommodation will be provided above ground floor level.
3. The dwelling will only be occupied between 1st April and 30th September in any one year.

4. The dwelling will incorporate flood mitigation and resiliency measures in accordance with CLG publication Improving the flood performance of new buildings: flood resilient construction.

5. The building must be appropriately designed to withstand and be resilient to hydrostatic pressure resulting from a breach/ overtopping of the tidal defences.

6. A flood warning and evacuation plan will be prepared for the property and retained on site.

7. The level of habitable accommodation provided by the new dwelling would not be materially greater than that provided by the original dwelling. Proposals should not result in an increase in the number of bedrooms over and above the number in the original dwelling.

#### 1 - Flood Risk Assessment

The FRA states and the Supplementary Planning Statement indicates that the site is in an area where flooding could occur up to depths of +2.0m. The site survey shows land levels vary slightly with a level of +3.20m.ODN. If the maximum flood level of over +2.0m, and therefore the maximum level of the flood would be +5.20m.ODN this would be below the First Floor Level of +6.50m.ODN. This criteria is therefore satisfied.

#### 2 - Habitable Accommodation

There is no habitable accommodation at ground floor. The proposal therefore satisfies the second point of the protocol. The EA agrees on this point.

#### 3 - Occupancy

The existing dwelling has no occupancy restriction associated with it, therefore the applicant does not wish for the replacement dwelling to be restricted.

#### 4 - Flood Resilient Construction

Details have been submitted with the application and these can be secured by condition.

#### 5 – Able to Withstand Hydrostatic Pressures

Details of construction methods can be secured by condition. A similar approach has been adopted on other sites on South Beach Road and is considered to be appropriate in this instance as well.

#### 6 – Flood Warning & Evacuation Plan

Full details can be secured by condition.

#### 7 – No Material Increase in Accommodation

The existing property has 3 bedrooms and the proposed property also has 3 bedrooms, consequentially the proposal is considered to be in accordance with point 7 of the coastal protocol.

The proposal meets 6 of the 7 criteria in the protocol. Given the lack of any occupancy restriction on the existing dwelling, it is material for the Council to consider the fall-back position wherein that dwelling remains on the site and can be occupied all year round.

In this instance, any restriction on the new dwelling would be unreasonable given that the new dwelling would provide betterment in flood risk terms because: all the accommodation is at first floor level above likely flood levels; it would incorporate flood resilient construction techniques; be built to withstand hydrostatic pressures and occupants would have a flood warning and evacuation plan.

The betterment provided by the proposal is considered sufficient to justify approval of the application notwithstanding the EA's objection.

## **CONCLUSION**

This proposal is for a single dwelling to replace the existing unit. The new dwelling is of an acceptable scale and appearance, so as not to cause any detrimental visual or neighbour amenity issues.

The EA has objected on the basis that the proposal is contrary to the Coastal Flood Risk Protocol and emerging policy DM18.

The existing property has no occupancy restriction so can be occupied all year round, including during the period when the highest risk of flooding occurs in the winter months. All the bedrooms in the existing house are on the ground floor. The existing dwelling is unlikely to withstand the hydrostatic pressures it would be subject to in the event of a severe flood.

The proposed property would not have an occupancy restriction either but habitable accommodation would be provided at 1st floor level above anticipated flood levels. There is no increase in the number of bedrooms to be provided. The new dwelling would be constructed to withstand hydrostatic pressures and would incorporate flood resilient construction techniques. A flood evacuation plan could also be secured.

The proposed dwelling therefore offers significant betterment compared to the existing house that would reduce the impact of flood events upon occupants as well as upon the structure itself. This betterment is a material consideration that can be set against the objections from the EA. In light of the betterment that would be secured, the application is recommended for approval.

## **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 as amended; 0955-12-1 Rev A and 0955-12-4 Rev A.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning area shall be laid out, in accordance with the approved plan and retained thereafter available for that specific use.



- 3 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 4 Condition The use of the garage building hereby approved shall be limited to purposes incidental to the needs and personal enjoyment of the occupants of the dwelling and shall at no time be used for business or commercial purposes or as an independent unit of residential accommodation.
- 4 Reason For the avoidance of doubt and to ensure that the building is not used for unrelated purposes that would be incompatible with the provisions of the NPPF.
- 5 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.
- 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 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.
- 6 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.
- 7 Condition Notwithstanding the details submitted with the application, prior to the occupation of the dwellinghouse hereby permitted full details of a flood evacuation plan shall be submitted to and be approved in writing by the Local Planning Authority. This flood evacuation plan shall include a commitment to sign up to an appropriate flood warning scheme as well as actions to take on receipt of different flood warning levels, evacuation procedures e.g. isolating services and taking valuables etc. and evacuation routes.
- 7 Reason To ensure the appropriate protection to the occupants of the development in accordance with the principles of the NPPF.
- 8 Condition Prior to any works associated with the construction of the replacement dwelling, including the laying of foundations, a scheme to demonstrate that the dwelling will be designed to withstand and be resilient to hydrostatic pressure resulting from a breach / overtopping of the tidal defences must be submitted to and be agreed in writing by the Local Planning Authority. The development must proceed in accordance with the approved scheme.
- 8 Reason To reduce the risks associated with flooding in accordance with the NPPF.

- 9 Condition Prior to the commencement of the development thereby approved, full details of the Flood Resilient Measures to be incorporated into the design of the building shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented and retained in accordance with the approved details prior to the first occupation of the development hereby approved.
- 9 Reason To reduce the risks associated with flooding in accordance with the NPPF.
- 10 Condition There shall be no ground floor sleeping accommodation within the dwelling or ancillary buildings hereby approved.
- 10 Reason To reduce the risks associated with flooding in accordance with the NPPF.