

## AGENDA ITEM NO: 8/2(a)

<b>Parish:</b>	<b>Hunstanton</b>	
<b>Proposal:</b>	<b>Construction of replacement dwelling following demolition of existing dilapidated bungalow (redesign)</b>	
<b>Location:</b>	<b>85 South Beach Road Hunstanton Norfolk PE36 5BA</b>	
<b>Applicant:</b>	<b>Mrs A Harris</b>	
<b>Case No:</b>	<b>15/00507/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Clare Harpham Tel: 01553 616318</b>	<b>Date for Determination: 26 May 2015 Extension of Time Expiry Date: 3 July 2015</b>

**Reason for Referral to Planning Committee** – The recommendation is contrary to the views of the Environment Agency

### Case Summary

The application site lies within the Hunstanton Holiday Zone and contains a single storey detached property with vehicular access.

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 site is located within a high risk flood area.

The proposal seeks consent to replace the one existing dilapidated bungalow with one, two storey dwelling with accommodation in the roof.

### Key Issues

Form and Character  
Impact upon Neighbour Amenity  
Flood Risk  
Highway Safety  
Other Material Consideration

### Recommendation

**APPROVE**

## THE APPLICATION

The application site lies within an area designated as a holiday consolidation zone.

Located on the eastern side of South Beach Road, the application site contains a dilapidated detached bungalow with attached garage which takes up the width of the site.

Dwellings in the locality comprise of single, two and three storey properties that are detached or terraced.

The proposal seeks consent to demolish the one existing bungalow and to erect one detached dwelling which is two storey with a third storey providing living accommodation within the roof space. The proposed ground floor does not have habitable accommodation and the living accommodation is proposed at first and second floors.

The proposed property would be constructed from a mix of red facing brickwork, vertical weatherboarding and some rendered finish to the front dormer projection.

## **SUPPORTING CASE**

A design and access statement was submitted with the application:-

- The existing site is currently unmaintained and unsightly, the bungalow is in a dilapidated state and considered beyond repair to provide an acceptable holiday home/let.
- The site is currently residential with a three bedroom bungalow which enjoys an 11 month occupation of the dwelling.
- The site is within an area of potential flooding so all habitable accommodation is above ground level with a boat store, shower room and utility / store at ground floor level.
- The proposal is 3.5m from the northern boundary and positioned slightly forward of the existing bungalow to bring it in line with the neighbouring properties.
- The existing bungalow has three bedrooms and an overall footprint of 87.78 square metres.
- The proposal has a total gross internal floor area over three floors of 213 square metres. The ridge height would be 9.15m and an eaves height of 4.99m with an overall footprint of 91.78 square metres.
- The proposal would increase the overall footprint by just 4 square metres.
- The proposal would be built of traditional materials in sympathy with the adjoining properties.

The current dilapidated bungalow is of timber construction and not fit for purpose. The proposed development is an improvement/ betterment to the existing dwelling, site and area. Under Policy 7/5 "Holiday Development Consolidation Zone" this allows for the permitting of new, replacement and improved buildings for holiday use. The proposals are an improvement and will be for holiday use. The site currently holds occupancy of 11 months with no point of refuge from flooding. The proposal provides all habitable accommodation above ground floor level.

## **PLANNING HISTORY**

15/00017/F: Application Refused: 04/03/15 - Construction of 2no. semi-detached dwellings following demolition of existing dilapidated bungalow - 85 South Beach Road

## **RESPONSE TO CONSULTATION**

**Parish Council: NO OBJECTION** The application complies with current planning regulations.

**Environment Agency: OBJECT** for the following reasons:

1. The FRA submitted with this application does not comply with the requirements set out in paragraph 9 of the Technical Guidance to the National Planning Policy Framework.
2. The site is at high risk of flooding from the sea and is located within an area covered by the joint King's Lynn and West Norfolk Borough Council and Environment Agency Coastal Flood Risk Planning Protocol. The Protocol sets out 7 requirements that replacement dwellings must meet; the proposed development does not meet all of these.

*Detailed Explanation (summarised)*

The site is within EA Flood Zone 3 and Strategic Flood Risk Assessment (SFRA) tidal Flood Zone 3 (high risk) and a flood Hazard Zone.

Hazard Zones represent an area which is at risk of rapid flooding should a flood defence structure be breached or overtopped. The zones at highest risk of rapid inundation are typically located close behind flood defences, where the combination of high velocities and depths would cause an unacceptable risk to life. The site is close behind coastal flood defences.

The EA has produced Tidal Hazard Mapping (THM) for the area that indicates that flood water in this area could reach a depth of over 2m in the event that the flood defences are breached or over topped.

The Flood Risk Assessment (FRA) submitted with the application indicates that the site would flood to a depth of up to 2m, which is incorrect. The FRA should therefore be revised to use the correct THM information.

The FRA fails to demonstrate that the proposed redevelopment accords with the coastal planning protocol. The protocol states that replacement dwellings will only be permitted in flood zone 3 (high risk), within the area covered by the Coastal Flood Risk Planning Protocol, where all of the seven criteria are satisfied.

The EA's assessment of the proposal against the Coastal Flood Risk Planning Protocol is as follows:-

1. A Flood Risk Assessment (FRA) must be undertaken for the development.

For reasons detailed above the FRA is considered inadequate.

2. All habitable accommodation will be provided above ground floor level.

We have no concerns with the proposed layout of the development as the plans show that all habitable accommodation will be located above ground floor level.

3. The dwelling will only be occupied between 1st April and 30th September in any one year.

The FRA states that the occupation of the dwellings should be permitted 11 months of the year as per the existing bungalow. We consider this to be unacceptable.

4. The dwelling will incorporate flood mitigation and resiliency measures

Details of flood resilient construction measures have been provided. These appear to be adequate. However, your Authority should consult with your building control team for further guidance on their suitability.

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

The FRA states that “the replacement dwelling will be designed to withstand any future hydrostatic pressures resulting from a breach/overtopping of the South Promenade defence.” Your Authority may wish to condition this matter. The LPA must determine whether this criterion has been met.

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

A flood warning and evacuation plan has been provided. The LPA must determine whether criterion 6 has been met or not.

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.

The application appears to substantially increase the amount of habitable accommodation, potentially putting an increased number of occupants at risk. Increasing the amount of habitable accommodation is contrary to the Protocol. We consider that your Authority must determine whether this development proposal meets criterion 7.

The EA state that in order to overcome the objection, the FRA should be revised to include a detailed assessment of flood risk at the site and proposed flood risk mitigation measures based on the hazards identified, as detailed above. The FRA must demonstrate that all seven criteria set out in the coastal planning protocol have been met to enable us to withdraw our objection to this application.

If the LPA is minded to approve the application against our recommendation for refusal we respectfully request to be re-consulted to allow for further discussion.

**Environmental Health & Housing - Emergency Planning: NO OBJECTION** subject to conditions to secure submission of an evacuation plan and that the occupiers sign up to the EA Floodline Warnings Direct service.

**Highways Authority: NO OBJECTION** subject to conditions relating to widening the existing access, withdrawing permitted development rights regarding gates etc. and laying out the proposed parking and turning area.

**Environmental Health & Housing - Environmental Quality: NO OBJECTION** subject to conditions relating to removal of asbestos from the existing property.

## REPRESENTATIONS

No letters of representation 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:

**7/5** - states that the Holiday Development Zones shown on the Proposals Map are reserved for holiday development. New and improved holiday uses and buildings will be permitted in the Holiday Development Expansion Zone. The improvement and replacement of existing accommodation and facilities will be permitted in the Holiday Development Consolidation Zone.

## **LDF CORE STRATEGY POLICIES**

**CS02** - The Settlement Hierarchy

**CS05** – Hunstanton

**CS07** - Development in Coastal 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

**DM15** – Environment, Design and Amenity

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

## **OTHER GUIDANCE**

Coastal Flood Risk Planning Protocol

## **PLANNING CONSIDERATIONS**

The main planning considerations in regards to the application are:-

- Principle of Development
- Form and Character
- Impact upon Neighbour Amenity
- Flood Risk
- Highway Safety
- Other Material Consideration

### **Principle of Development**

The proposal seeks consent to demolish an existing single storey house and replace it with a detached two storey dwelling with habitable accommodation within the roof space.

The application site is located within the Holiday Development Consolidation Zone as identified within the Local Plan Maps (1998). Saved Policy 7/5 of the King's Lynn and West Norfolk Local Plan (1998) states within the Consolidation Zone (CZ) the improvement and replacement of existing holiday accommodation and related facilities will be permitted, with permissions being subject to seasonal occupancy restrictions.

The Core strategy states that saved Policy 7/5 is retained for consideration within the Site Specific Allocations and Policies Development Plan Document. This document is to be the subject of an inquiry starting in July and weight may be attached to the policies it contains. It identifies this area of Hunstanton as within the Coastal Hazard Zone where emerging Policy DM18 applies.

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. These will be addressed later in the report.

### **Form and Character**

The form and character of South Beach Road is varied with a mix of predominantly single and two storey residential dwellings (some being flats). There are some recent planning approvals for single replacement three storey dwellings in close proximity to the application site. A caravan park is located on the western side of the road.

The proposal seeks consent to demolish an existing three bedroom single storey dwelling on the eastern side of South Beach Road and construct one dwelling in its place.

The proposed detached dwelling would be two storeys with accommodation within the roof space. The proposed ridgeline would be parallel to South Beach Road and the design would have a glazed projection within the front elevation on the first and second floor, utilizing projecting dormers within the roof space. The property proposes to use red facing brickwork at ground floor with vertical cedar weather boarding and render as external facing materials at first floor and within the projecting dormers.

The contemporary design and scale of the building is acceptable in the street scene.

### **Impact upon Neighbour Amenity**

The three storey dwelling is not considered to cause any detrimental neighbour amenity issues.

To the north are some two storey dwellings which are holiday flats. There are three windows in their side elevation, two of which have obscured glazing. The third window on the second floor would not be overlooked by the proposal which has no windows above the ground floor within its northern elevation; however it may be overshadowed to some degree by the proposed dwelling which would be directly to the south. However, given the separation distance between the two buildings, which is in excess of 7.0m and the fact that the dwellings are within an area utilised for holiday accommodation the overshadowing would not be to the degree which would warrant a refusal.

To the south of the application site is a detached bungalow with a window within its northern elevation facing the application site. The existing bungalow on site is constructed right up to the southern boundary however the proposed detached dwelling would be constructed further away from this boundary (1.25m). Consequently whilst the proposal, which is significantly taller than the existing bungalow, would be in close proximity to the side window it would be further away than the existing structure and due to its orientation the proposal would not overshadow this window to a degree which would warrant a refusal. After the submission of amended plans there are no windows within the southern elevation which could cause any overlooking of private amenity areas.

There are no adverse amenity issues with regards to the windows on the front (west) elevation, which face out to sea. The windows to the rear are looking down the proposed rear gardens and parking area. The distances are adequate to not cause overlooking issues to the rear.

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

### **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 overtopping 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 that the site is in an area where flooding could occur up to depths of 2.0m. The EA states that this does not reflect the latest Tidal Hazard Mapping (THM) that shows the site as flooding to depths of over 2m.

Notwithstanding this error, information submitted with an application at 71 South Beach Road approved in December 2014 (14/01292/F) indicated that site could flood to a depth of 2.3m above Ordnance Datum (aOD). The latest available THM was published in 2012. The site is 100m north of the current application site and in the same area in the THM. Consequently, similar flood depths may be expected at the application site.

All the accommodation on the application site is proposed at first floor level, which will be at 2.7m aOD.

The FRA is not up-to-date and the EA are correct in that, technically, the proposal does not address the first criterion. However, the use of the latest data, as has been done on other sites, would still lead to the conclusion that the first floor levels are appropriate.

#### *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 applicant asserts that the existing dwelling is subject to an 11 month occupancy condition. However, there is no planning history to support this and in all likelihood, given the age of the dwelling, it can be occupied all year round in planning terms.

The applicant's agent has indicated that a six month restriction could be attached to the new dwelling, but this would have to be weighed against the fall-back position wherein the existing dwelling is retained and can be occupied all year round.



#### *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*

An Evacuation Plan was submitted with the application. The Council's Emergency Planner indicates that this requires some amendment but is generally satisfied with the document. 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 5 of the 7 criteria in the protocol. The failure on the first point is a technical failure and not one that would materially affect the conclusions in the FRA given the information available to the Council from other applications in the surrounding area.

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.

#### **Highway Safety**

The existing access to the property would be widened and there is suitable access, parking and turning to cater for the proposed dwelling. The highways officer has no objection to the proposal subject to conditions.

#### **Other Material Considerations**

The Environmental Health and Housing – Environmental Quality team has no objection to the proposal subject to conditions in relation to asbestos.

#### **CONCLUSION**

The previous application on this site was for two dwellings and was refused on the basis that the extra unit was unacceptable as it would have led to an increase in the number of people exposed to flood risk.

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 shall be carried out in accordance with the following drawings:-
  - 136/14/00A 'Location Plan' received 21st April 2014;
  - 136/14/04A 'Proposed Plans, Elevations and Section' received 10th June 2014; and
  - 136/14/05A 'Proposed Site Plan and Section' received 21st April 2014.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Prior to the commencement of the use hereby permitted the vehicular access (indicated for improvement on drawing No 136/14/05A) shall be widened to a minimum width of 5 metres in accordance with the Norfolk County Council residential access construction specification for the first 2 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.
- 3 Reason In the interests of highway safety and traffic movement.

- 4 Condition Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 4 Reason In the interests of highway safety.
- 5 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, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 5 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 6 Condition Notwithstanding the details submitted with the application prior to the occupation of the dwellinghouse hereby permitted the 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.
- 6 Reason To ensure the appropriate protection to the occupants of the development in accordance with the principles of the NPPF.
- 7 Condition Prior to the demolition of the existing dwelling, 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.
- 7 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.
- 8 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.
- 8 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.
- 9 Condition The development hereby permitted shall be constructed in full accordance with the 'Flood Resilient Measures' submitted by ACS Architectural Ltd.
- 9 Reason In order to prevent an increased risk of flooding in accordance with the principles of the NPPF.

- 10 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.
- 10 Reason To reduce the risks associated with flooding in accordance with the NPPF.