

AGENDA ITEM NO: 8/3(e)

| | | |
|----------------------|---|--|
| Parish: | Holme next the Sea | |
| Proposal: | Replacement dwelling | |
| Location: | Sandy Ridge Broadwater Road Holme next the Sea Norfolk | |
| Applicant: | Mr David Gray | |
| Case No: | 16/00323/F (Full Application) | |
| Case Officer: | Mrs K Lawty | Date for Determination: 26 April 2016 |

Reason for Referral to Planning Committee – The views of Holme Next the Sea Parish Council and North Coast Partnership objections are contrary to the Officer recommendation.

Case Summary

The site comprises a triangular plot of land containing a detached dwelling of single storey height, a series of domestic outbuildings and associated garden land. The site is bounded to the south west by a detached dwelling. To the south, on the south side of Broadwater Road, is a caravan whilst to the north and north east are the coastal marshes and open land leading out towards the sea.

In policy terms the site is in countryside and within the Area of Outstanding Natural Beauty (AONB). It is in or close to nature conservation sites of national and international importance including a SSSI, National Nature Reserve, Special Protection Area, Ramsar site and Special Area of Conservation.

The area is also in a high risk flood zone (Flood zone 3 and Tidal Hazard Area).

This application seeks full planning permission for a replacement dwelling following the demolition of the existing chalet bungalow and ancillary structures on the site.

A previous application for a larger replacement property was submitted last year but was withdrawn prior to determination.

Key Issues

Principle of development;
Form & character and impact on AONB;
Nature Conservation issues;
Flood risk;
Residential amenity; and
Other matters.

Recommendation

APPROVE

THE APPLICATION

The site comprises a triangular plot of land containing a detached dwelling of single storey height, a series of domestic outbuildings and associated garden land. The site is bounded to the south west by a detached dwelling. To the south, on the south side of Broadwater Road, is a caravan whilst to the north and north east are the coastal marshes and open land leading out towards the sea.

In policy terms the site is in countryside and within the Area of Outstanding Natural Beauty (AONB). It is in or close to nature conservation sites of national and international importance including a SSSI, National Nature Reserve, Special Protection Area, Ramsar site and Special Area of Conservation.

The area is also in a high risk flood zone (Flood zone 3 and Tidal Hazard Area).

This application seeks full planning permission for a replacement dwelling following the demolition of the existing chalet bungalow and ancillary structures on the site.

A previous application for a larger replacement property was submitted last year but was withdrawn prior to determination. This application seeks to address the issues raised during this earlier application.

SUPPORTING CASE

The application was accompanied by a **Design and Access Statement** which refers:

'The site is located along the coastline on the northern side of Broadwater Road just outside the village of Holme Next the Sea, Norfolk, and is at the end of a series of plots that have been built upon since the time the land was subdivided in to plots in 1938.

Much of the surrounding land is very flat and only a few metres above sea level. To the south of the site agriculture is evident everywhere with fields of cereal crops, vegetables and sugar beet. To the north is a relatively thin strip of land between the site and the sea, which contains a narrow area of sand dunes that gives way to larger areas of salt marsh. The marshes are used by birds for feeding and breeding and there are a number of protected nature reserves nearby.

The existing bungalow is relatively isolated from neighbouring houses. All of the houses along Broadwater Road are not typical to the character of Norfolk villages, with many examples of different styles of C20 houses and bungalows. The quality of design and construction of these buildings varies from either very high to poor and the poorer structures detract from the rawness of much of the natural environment in this area.

The site itself is approximately 0.145 hectares with approx. 67 M of frontage to Broadwater Road, in the form of a small triangular shaped plot that tapers towards a point on the east side. The land is predominately neglected domestic garden with treed boundaries.

Along the northern boundary there is a large open ditch that separates the garden from a sandy strip of dunes. There is a large bungalow on the site with first floor accommodation in the roof space, and a single-storey garage linked to the main building by a flat roofed structure.

The site has been fully surveyed, and all levels are indicated to AOD. The site has a natural gentle slope down from south to north.

Use:

No change is planned for the residential use of the site. The proposal is simply to rebuild the existing bungalow to provide a low energy house constructed in a sustainable way with good floor resilience.

Architectural Approach:

As the name 'Sandy Ridge' suggests, the site is adjacent to the ridge of sand dunes running along the north side of the site. The angular plan form responds to the triangular shape of the site. The design is in keeping with the scale and sensitivity of the area, and designed not to impact on the biodiversity by only building upon the parts of the site that have already been built upon. The massing and scale of the replacement house gently engages with its surroundings by presenting a low, private front along Broadwater Road that opens up and out towards the sea views to the rear. The low mono-pitched roof help keep the house as low as possible with the highest points set against the tall trees on the west side. The principle living accommodation is located on the first floor to take advantage of the best views with ancillary accommodation located on the lower levels.

The location of the building will be as much as possible on the footprint of the existing building to avoid building on undisturbed ground. The new house floor level is raised up 1.050 metre above the existing ground levels to reduce need for excavations, and mitigate flood risk. The house will be partially concealed by the existing trees, which keeps the house hidden from direct view from the surrounding properties. The wooden and coursed pebble claddings have been chosen to blend into the surroundings and would not look out of place on the coastline.

Area comparisons:

The new building will sit partially on raised piles and partly on a masonry plinth, both will provide good floor resilience. The footprint of this is slightly greater than the existing footprint of the existing buildings on the site; 157 sqm (existing) compared to 189.5 sqm proposed house, and 42 sqm for the proposed garage.

To prevent a worsening of the flood risk, approximately half of the house (70.5) sqm is elevated on mini-piles to lift the structure above the ground. This means that there is no increase in the displacement of floodwater because the actual footprint of the proposal is 119 sqm. The garage is not included in this because floodwater would be allowed to enter thereby preventing displacement.

The gross internal floor areas for ground and first floors are:

- The existing bungalow 164 M sq. GIA
- The proposed house 278 M sq. GIA
- The majority of the increase in accommodation of the proposal over the existing is due to the fact that the house has more first floor accommodation, which is required in part to take advantage of the distant views but also to limit flooding.

Lighting:

Plentiful day lighting is important to limit the use of artificial lighting. There is a mix of daylight from a variety of sources to give sufficient daylight either from above via high-level openings or low down from simple small openings. Small windows give direct light to the main space, and then the single larger expanses of glazing to the north will provide a good even light to the larger volume of space at this end of the room.'

An **Ecology Survey** was submitted which found no protected species on site, required no further survey work and concluded:

‘Given the scale of the proposal and the nature of the development site, the construction and final state of the proposed development is deemed unlikely to result in negative ecological impacts beyond a minor magnitude for some species at the local level. The magnitudes and probabilities of these potential impacts are not sufficient to expect that the proposed development poses a significant risk to the conservation status of any of the species or habitats recorded within the focus area of this assessment.

Therefore the construction of the dwellings on the site is predicted to have no significant impacts on valued ecological interests.’

The **Flood Risk Assessment** concludes:

‘The Environment Agency, flood level data and the SFRA shows that during the present day situation the flood defences will not be overtopped during the 5%, 1.0% and 0.5% AEP flood events, therefore the site is presently located within Flood Zone 2, where the defences are considered. The SFRA shows that the site will remain in Flood Zone 2 in the future when the effects of climate change are considered. The site is therefore not located in the functional floodplain. It is considered in the future the defences will be retained and increased to maintain the existing standard of defence, protecting the site and the Borough.

...the site is at risk of flooding and without appropriate mitigation measures the site users could be at risk, however through the incorporation of the mitigation measures put in place as stated in Section 5.0 of the report the site users will be at low risk.

The surface water runoff will discharge into a drainage system, designed to contain up to and including the 1 in 100 year rainfall event including climate change. To prevent pollution to the underlying surface water and groundwater an appropriate level of water treatment stages have been incorporated into the design. To reduce the risk of flooding due to the failure of the surface water drainage system over its lifespan, a maintenance scheme for the drainage should be adhered to, a detailed within the report.’

A **Landscape and Visual Impact Assessment** has been submitted which concludes:

‘The Application Site occupies a domesticated strip of ground between the arable fields to the south and the salt marshes to the north. The site is in an enclosed part of an otherwise open landscape within an Area of Outstanding Natural Beauty and located beside areas of special landscape designation. There are no listed buildings, monuments, ancient woodland in the area surrounding the Site. The Site does not make an important contribution to the wider area’s character—particularly in terms of how they are seen from public vantage points and the generally limited intervisibility within this specific area of landscape. Consequently the Site’s landscape and immediate setting are considered to be of moderate to low value and to be of low sensitivity.

The main components of the proposed development are:

- The demolition of the existing building and clutter of domestic sheds and their replacement with a single dwelling of outstanding design.
- The retention of all existing trees and vegetation of value, and its reinforcement with new, predominantly native-species, planting.

The Site’s qualities and suitability for development can be summarised as:

- Replacement of existing poor quality development.
- Low potential impact on character of rural setting and an opportunity to limit the domestic clutter.
- Enhancement potential for biodiversity, wildlife corridors and landscape character.

The design of the proposed building reflects the highest standards which, together with the treatment of its immediate garden, refer and respond imaginatively to the site-specific landform, vegetation, views and sense of place. The new dwelling would replace an existing development which is out of place in a rural setting.

The house would be discretely located amongst other more visible residential neighbours. The containment of domestic paraphernalia and activity within the built envelope (particularly parking and garden features) would protect the rural setting. The landscape and biodiversity proposals would provide significant sustainability and wildlife benefits.

In respect of Landscape Effects this assessment judges that the defining qualities of the immediate setting are not only respected but would be enhanced, resulting in a moderate magnitude of change with significant benefit to landscape character and components.

In respect of Visual Impacts, the Site is already well screened from public vantage points. Furthermore existing views towards the site are generally judged to be of only low to moderate value and sensitivity.

The proposed development is assessed to have the potential for only a low impact on views.

This Assessment concludes that this development would not harm the surrounding landscape, and the proposals are of an exceptional standard that would not only avoid harm but significantly enhance the site and its setting.

PLANNING HISTORY

15/00992/F: Application Withdrawn: 11/11/15 - Construction of dwelling and self-contained annexe following demolition of existing dwelling - Sandy Ridge

RESPONSE TO CONSULTATION

Parish Council: OBJECTION – proposed changes do not address previous concerns;

- *very substantial house, more than twice that of the existing structure, height as proposed – almost 6m to the ridge line and more than 6.5m to the top of the chimney i.e. almost 40% higher than the existing and only centimetres lower than the previously proposed design;
- the proposed building would detract from the character and appearance of the area. By virtue of its scale it will undoubtedly be prominent, highly visible from the surrounding footpaths and will impact adversely on the surrounding landscape which enjoys AONB status;
- the site shares its northern boundary with the North Norfolk RAMSAR site and associated SSSI; the site is less than 400m from areas fenced off to protect the breeding Terns;
- the area has recently benefited from investment to improve habitat for Natterjack Toads;

- the habitats and wildlife protected by these various designations are finite resources within the Parish and the Borough. Their value in terms of the ecosystem services is irreplaceable;
- the Parish Council believes that the scale of the building will detract from the character and appearance of the area. It is difficult to see how the introduction of the proposed structure, given its mass and volume will create harmony in the wider AONB environment and it most certainly will impact adversely on the skyline of this sensitive landscape;
- the proposed use of external shutters and internal blackout blinds to counteract the Parish Council's previous arguments regarding light pollution in this naturally dark landscape are not accepted. Such use is not enforceable but rather at the discretion of the occupants. In addition to the lighting from the building it is likely that the increased provision for car parking / car use associated with the redeveloped site will exacerbate this problem via the use of headlights and external lighting;
- Holme is designated in the Local Plan as a Small Village and Hamlet. As such it does not have a development boundary but is characterised by a significant number of green and open spaces, many of which afford valuable views across the AONB landscape which covers the Parish in its entirety;
- the photographs presented in the Applicants Report (Section 9) show just how prominent the proposed structure will sit in the site - even in the medium and long term once the vegetation has matured; the site is not generally hidden from public view;
- The proposed willow tree screen illustrated on the site plan drawing is on an area outside the control of the Applicant and believed by the Parish Council to be Common Land;
- although such planting would provide privacy for the occupants of the proposed replacement dwelling, it would restrict the open views;
- the Parish Council is however extremely concerned about the replacement of modest, affordable market homes in the village by large, often unique properties that have a high price tag and a very limited market;
- the Parish Council remains strongly opposed to this proposal but would reiterate the point made previously that If the Borough Council is minded to approve this application, we would like to see a condition placed on the development preventing the use/conversion of the garage space to provide further accommodation.

Norfolk Coast Partnership: OBJECTION - I have significant concerns regarding this application, and suggest that some further assessment and consideration is necessary to determine whether a replacement dwelling as proposed would be acceptable. Following submission of additional information the proposal is a very significant increase in size and scale compared to the existing building;

- The purpose of designation of AONBs is the conservation and enhancement of natural beauty and the objective for Heritage Coasts is clear from para 114 of NPPF. The fact that development has taken place in this part of the AONB and Heritage Coast since designation / definition, which has had some impact on the character of this part of the AONB and Heritage Coast, is not a justification for continuing this trend;
- Rather, the objective should be enhancement to reverse this trend since designation if possible. Comparison with other dwellings that have been permitted is not relevant;
- The question is whether this proposal conserves (or at least does not cause further harm to) or enhances natural beauty and the undeveloped character of the coast;
- It is clear that there would be significant visibility from the Norfolk Coast Path National Trail (and future England Coast Path Coast Path), with a significantly greater impact than the present dwelling. If scrub management becomes necessary to the south of the Coast Path, the impact would be exacerbated.

- I do not consider the fact that some development that has had a negative impact on landscape character and natural beauty, which has taken place since designation, is a justification for considering the sensitivity as low, as explained above.
- Providing the means to limit light pollution does not necessarily mean that it will be limited in practice. More extensive and elevated areas of glazing, which are likely to give rise to impacts during daylight from reflection glare, are also an issue.

Highways Authority: NO OBJECTION - conditionally

Environment Agency: NO OBJECTION

Environmental Health & Housing - Environmental Quality: NO OBJECTION - conditionally

Natural England: NO OBJECTION – Re: Statutory nature conservation sites – no objection as not likely to have a significant effect on the interest features for which the North Norfolk Coast Ramsar, SPA and SAC have been classified and will not damage or destroy the interest features for which the North Norfolk Coast SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application; advise that you consult the relevant AONB Partnership or Conservation Board re: AONB status; not assessed this application and associated documents for impacts on protected species

District Emergency Planning Officer: NO OBJECTION – conditionally

Public Rights of Way Officer: NO OBJECTION

Lead Local Flood Authority: No comments

REPRESENTATIONS

Two representations from the same person, referring to the following:-

- Believe the scale, massing and sheer bulk of some of the elevations is too great, they need to be reduced, particularly on the West elevation.
- The building is too far forward on the plot, causing the loss of too many trees.
- The new building should be no further forward than the existing
- Can you also request conditions for contractors parking and deliveries plus material storage during construction, as this is a single track road with no passing bays.
- Unfortunately the site analysis plan (fig 6) shows our property incorrectly in relationship to the proposal, which makes it difficult to see the relationship between the two properties.
- The existing dwelling is a modest chalet bungalow which is being replaced with a massive institutional looking building.
- This proposal is some 2.5m higher than the existing dwelling, how can this fail to have an effect on the street scene and more importantly its effect on our low lying dwelling opposite.
- I can accept a modern new build however I fail to see the thinking behind this proposal.
- The proposal will affect views to the SSSI sites; it is clearly over development for this modest plot.
- The proposal sits too close to the narrow road which the Agent states has over 100,000 visitors to it every year.
- It will look cramped and need to be set in a larger plot to allow it to look right.

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

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM5 – Enlargement or Replacement of Dwellings in the Countryside

DM15 – Environment, Design and Amenity

DM21 - Sites in Areas of Flood Risk

PLANNING CONSIDERATIONS

The application raises the following issues: -

- Principle of development;
- Form & character and impact on AONB;
- Nature Conservation issues;
- Flood risk;
- Residential amenity; and
- Other matters.

Principle of development

The site is located on Broadwater Road, Holme-next-the-Sea. The application site lies outside the village as identified on the King’s Lynn & West Norfolk Local Plan (1998) Inset Map for Holme-next-the-Sea. Within the Core Strategy Holme-next-the-Sea is classified as a Smaller Village and Hamlet (SVH) in the Settlement Hierarchy set out under Policy CS02 and therefore no settlement boundary exists.

It is also within the AONB, where development which will have a significantly detrimental impact upon the natural beauty of the landscape in this designated area will not be permitted. National and local nature conservation sites lie immediately to the north west of the site. Development is therefore strictly controlled in this sensitive area.

Nationally, the NPPF seeks a high standard of design, and design that takes the opportunity to improve an area. Some of the key objectives referred to in the NPPF are for development which responds to their local context and creates or reinforces local distinctiveness, are visually attractive as a result of good architecture and appropriate landscaping.

Government Guidance also seeks quality design in housing, and states that Local Planning Authorities should encourage applicants to bring forward sustainable and environmentally friendly development. It also states that design should be well integrated with, and complement neighbouring buildings and the local area more generally in terms of scale, density, layout and access. Design should promote local distinctiveness.

The LDF Core Strategy relevant policies are CS01, CS06, CS08, CS09 and CS12. Whilst no Core Strategy policies refer specifically to replacement dwellings, Policy CS06 refers to the protection of the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife and its natural resources. Accordingly such development should not adversely affect this strategy.

As part of ongoing LDF work Development Management Policies have been agreed at Cabinet, although not yet formally adopted. Within these policies is Policy DM5 which refers to the enlargement or replacement of dwellings in the countryside. This policy states that proposals for replacement dwellings will be approved where the design is of high quality and will preserve the character or appearance of the streetscene or area in which it sits. Schemes which fail to reflect the scale and character of their surroundings or which would be oppressive or adversely affect the amenity of the area or neighbouring properties will be refused.

In principle, therefore, the use of this site for a replacement dwelling is acceptable.

Impact upon the AONB

AONB's have the highest status of protection in relation to landscape and scenic beauty. In this case the application site is already a residential property but it adjoins open land to the north west and south east. The site has a degree of screening to its boundary but there are still open views across the fields.

The existing property is a simple detached bungalow with first floor accommodation in the roof space, and a single-storey garage linked to the main building by a flat roofed structure. The existing building on the site is modest in terms of height.

The proposed replacement dwelling is significantly taller than the existing property but the design of the dwelling with mono-pitched roofs means that the height of the dwelling is kept as low as possible, despite the fact that flood risk issues require raised floor levels.

The application has been supported by a Landscape and Visual Impact Assessment (LVIA). Ten viewpoints were chosen as a representative of public views. These viewpoints were individually assessed and the magnitude of change was found to be either nil or low, and the landscape and visual impacts assessed as either nil or low to nil. Current, Mid-term, Long-term views of the proposal were considered for viewpoints 4, 5 and 7 as landscaping becomes more established, showing the building becoming less visible over time.

The Parish Council and Norfolk Coast Partnership have objected to the increased height and mass of the proposed replacement dwelling. The new house floor level is raised up 1 metre above the existing ground levels to mitigate flood risk. The ridge height of the existing bungalow is 6.4m whilst the proposed replacement dwelling is 9.4m. That said, this measurement is the highest point of the mono-pitched roof and not the whole mass of the building. As the proposed roof is in mono-pitched sections the mass is broken up considerably and these higher points are seen angled against the landscape when viewed from different vantage points.

The building is of bespoke design and is designed through the use of materials to sit within the landscape. Whilst the LVIA indicates that the building will become less conspicuous over time, the design is one that is contemporary and suited to its environment. Even if the landscaping does not become as well established as indicated, it is your officers' opinion that the proposed building would sit appropriately in its setting.

The Parish Council has raised issue regarding the obstruction of views from the Norfolk Coastal Path across the site towards Redwell Marsh towards the Grade 1 Listed St Mary's Church in the distance. However, the proposed replacement dwelling is not of such mass and scale to result in significant obstruction of long views, and the LVIA concludes a nil or low to nil visual impact when viewed from key viewpoints.

Given the surrounding development it is considered that the increased scale and massing of the building would sit within the landscape without having a detrimental impact on the quality of the landscape or the scenic beauty of this nationally important designated AONB.

Design, character and appearance

The existing bungalow does not reflect the Norfolk coastal villages, the local vernacular or building materials. It could be sited anywhere in the country. It is of an age when build quality was poor compared to modern building standards.

The proposed replacement dwelling is of contemporary design. The angular plan form responds to the triangular shape of the site and its features. The massing and scale of the replacement house is lower and narrower to the front of the site along Broadwater Road and then opens up and out towards the sea views to the rear.

The low mono-pitched roof sections help keep the house as low as possible with the highest points set against the tall trees on the west side. The principle living accommodation is located on the first floor to take advantage of the best views with ancillary accommodation located on the lower levels.

In addition to the bungalow, the existing site contains a series of outbuildings and structures across the garden area. The location of the proposed replacement building is shown to be as much as possible on the footprint of the existing building to avoid building on undisturbed ground. It has been designed not to impact on the biodiversity of the area by only building upon the parts of the site that have already been built upon.

The footprint of the replacement dwelling is slightly greater than the existing footprint of the existing buildings on the site; 157 sqm (existing) compared to 189.5 sqm proposed house, plus 42 sqm for the proposed garage. The design of the dwelling is such that the dimensions of the first floor are greater than that of the existing bungalow, so the overall floor area across both floors is significantly greater (70% increase).

The design is modern and is proposed to be constructed of materials which can now be found within the local area. There are now other examples of contemporary dwellings along

Broadwater Road. Some work better than others and the most effective take reference from local building materials. This promotes local distinctiveness.

In this case the design of the proposed replacement dwelling has taken reference from other examples found in the vicinity. The proposed replacement is a modern, contemporary one which utilises a palette of materials and colours, and mixes traditional building materials such as coursed pebbles and handmade bricks with more modern materials such as natural wood cladding, zinc sheeting and galvanised steel.

The design and site layout reflects the features and constraints of the site and flood risk issues. Despite the increase in footprint, the proposed dwelling does not dominate the site and there is plenty of space around the building to retain the landscaping.

Policy DM5 states that proposals for replacement dwellings will be approved where the design is of high quality and will preserve the character or appearance of the streetscene or area in which it sits. Schemes which fail to reflect the scale and character of their surroundings or which would be oppressive or adversely affect the amenity of the area or neighbouring properties will be refused.

The preamble to the policy states there should be no increase in the number of units on the site and that permitted development rights to further extend a replacement dwelling may be removed to control development in the countryside.

In this case it is acknowledged that the flood risk issues prevent replacement dwellings being constructed at the same level and that the floor levels need to be raised to take into account climate change and future flood risk. However, the replacement dwelling has monopitch roofs and the proportions of the new dwelling have been kept relatively low.

Given the circumstances it is considered the resulting proposed dwelling will not be harmful to the landscape character or character of the village. The site retains a significant amount of spacing around it and it is considered that the increased mass of the proposed dwelling would not be too much for the site or too significant in its setting.

In terms of design the proposed replacement dwelling is considered appropriate for the site. It does take sufficient reference from building designs and materials in the surrounding area to ensure it will fit into the area without harm. The use of flint walling adds to the local distinctiveness of the design and the use of timber cladding links through to the trees and soft, open landscape of the area in general. Successful implementation of the landscaping scheme will ensure that it sits in its immediate environs in an appropriate manner.

In this case the scale of the proposed dwelling is considered appropriate and it is considered that the development will not cause significant harm to the character of the AONB. It will not erode the openness of the area or be unduly conspicuous in its setting.

Nature Conservation issues

The site is in proximity to nature conservation sites of international, national and local importance. In 2010 planning permission was refused for a stable on a site close to this application site, although on the opposite side of Broadwater Road where development does not generally occur (LPA Ref: 10/00541/F). Although not within a nature conservation site, the proposed stable block development was considered likely to have a significant effect on the internationally important interest features of the nearby sites, either alone or in combination with other plans and projects. It was also considered that the proposal would cause unnecessary harm to the landscape character of the AONB, by virtue of the

introduction of a permanent structure. The proposed development was not considered to comply with the provisions of national, regional and local planning policy at that time.

This planning refusal was appealed but dismissed by the Inspector who upheld the reasons for refusal.

In this case, however, there is a building already in place and the site is already used for residential purposes, which makes it less important for nature conservation purposes.

It is not considered the situation is the same as that of the stable building site, where the character of this side of Broadwater Road is open and largely devoid of buildings and structures.

The applicant has submitted an ecological survey by a competent consultant ecologist which examines what habitats and species exist on the site and to establish the potential impact on local biodiversity.

This found no evidence of bats or owls within the site. There are natterjack toads in the area but no evidence found on this site. Similarly no evidence of great crested newts was found. No further survey work is recommended, although the applicant may wish to undertake a presence/absence survey of adjacent ponds regarding great crested newts.

The report does, however, recommend mitigation measures relating to the fencing of the site prior to construction to prevent natterjack toads entering the site. Once the site is fenced, it needs to be regularly checked to ensure no natterjack toads have been fenced in. If any have been, then these animals will need to be removed from the site. It is likely that the natterjacks will be released in a safe area adjacent to the fence within the land holding. An EPS licence for natterjack toads is recommended in the report.

Subject to these matters being controlled through planning condition it is considered that the impact upon protected species has been addressed and the lpa has complied with its duty to give consideration to the three derogation tests contained in the species protection provisions of the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations).

The Parish Council and Norfolk Coast Partnership have raised issues about light spillage from the proposed new dwelling. The proposed dwelling will mean an increase in the number of openings and some of these openings will be larger than the existing dwelling. However the applicant has proposed mitigating solutions to avoid increasing light pollution. These include external shutters to the largest openings that can be closed at night to provide security as well as privacy, and at the same time contain the artificial light, and external timber louvres to limit the extent of glazing to the long slot window on the east elevation.

Light spillage can have a harmful effect upon wildlife. However, it is not considered the extent of light spillage would be so significant to warrant the refusal of the application in this case.

Flood Risk

The site is within Flood Risk Zone 3 and a Flood Risk Assessment has been submitted in support of the application.

The EA raises no objection to the proposal. There is no increase in vulnerability at the site and the flood risk to the development remains the same as the current risk faced by the development. The FRA provides the necessary information regarding the characteristics of

flooding at the site, now and at the end of the development lifetime. Proposed finished floor levels have been set at 1.05m AOD which is better than existing.

The Borough Emergency Planning Officer recommends that occupiers should sign up to the Environment Agency Floodline Warnings Direct (FWD) service. Also that a flood evacuation plan should be prepared to the satisfaction of the local authority emergency planning department.

- This will include actions to take on receipt of the different warning levels.
- Evacuation procedures e.g. isolating services and taking valuables etc.
- Evacuation routes

There are now no outstanding issues with regard to flood risk (subject to the imposition of conditions).

Residential amenity

The relationship between the dwelling as proposed and existing dwellings has been examined.

First floor windows facing other properties to the south west serve non- habitable rooms, such as bathrooms and corridors. An enclosed balcony area faces seaward, away from neighbouring properties.

The dimensions, distances from boundaries and position of the proposed replacement dwelling are such that it will not result in significant overshadowing or loss of light for the occupants of neighbouring properties.

Other matters

The Parish Council is concerned about the replacement of modest, affordable market homes in the village by large, often unique properties that have a high price tag and a very limited market. This is noted, but for the reasons referred to above, the proposal is considered to comply with current planning policy and is supported.

The Parish Council remains strongly opposed to this proposal but request that If the Borough Council is minded to approve this application a condition is placed on the development preventing the use/conversion of the garage space to provide further accommodation. This is proposed to be included along with restrictions on further extension to the property in line with Policy DM5.

Third party comment has been made regarding the loss of trees on the site. However, the proposal results in the loss of only two garden trees and the plans show the retention of the remaining. There will be no significant loss of trees as a result of this proposal.

Third party comment has requested that deliveries to the site are controlled to avoid blocking the private road. However it is not considered necessary to impose a planning condition in this case, given the limited and temporary works involved.

The Environmental Quality Team refers to the likely presence of asbestos in the existing building. To cover the safe removal and disposal of the identified material it is recommended that planning conditions are attached to any consent granted for this application.

County Highways has raised no objection to the proposal subject to a condition relating to the provision of parking.

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application will not likely have a material impact upon crime and disorder.

CONCLUSIONS

The replacement dwelling has a modern, contemporary, bespoke design to fit the shape and features of the site. It will be taller than the bungalow it seeks to replace and have a larger scale and mass. In terms of design and impact on the AONB, however, the proposal is considered to relate adequately to surrounding development and the sensitive setting of the open fields and marshes.

The proposal will not likely have a significantly detrimental impact upon the amenity of the occupants of adjoining properties.

Conditionally there are no outstanding flood risk, landscape or highways issues. There are no concerns regarding nature conservation following the submission of the ecology report. An EPS licence will be required and appropriate planning conditions are recommended to be imposed to ensure the works take place in the appropriate manner.

The proposal accords with the general principles of the NPPF and Core Strategy Policies CS01, CS02, CS06, CS07, CS12. The proposal also complies with the emerging development management policies, in particular Policy DM5.

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 Prior to the first occupation of the development hereby permitted the proposed on-site car parking area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 2 Reason To ensure that parking and servicing facilities will be available to serve the development in accordance with the principles of the NPPF.
- 3 Condition Prior to the occupation of the dwellinghouse hereby permitted the occupiers should sign up to the Environment Agency Floodline Warnings Direct (FWD) service and details of a flood evacuation plan should be submitted to and agreed with the local planning authority in consultation with the local authority emergency planning department. This flood evacuation plan will include actions to take on receipt of the different warning levels, including evacuation procedures e.g. isolating services and taking valuables etc. and evacuation routes.
- 3 Reason To ensure the appropriate protection to the occupants of the development.

- 4 Condition All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or 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.
- 4 Reason To ensure that existing trees and hedgerows are properly protected.
- 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 The development shall be carried out in accordance with the mitigation measures set out in the Environmental Statement unless provided for in any other conditions attached to this planning permission.
- 7 Reason To ensure that the development takes place substantially in accordance with the principles and parameters contained with the Environmental Statement.
- 8 Condition Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration to the dwelling house shall not be allowed without the granting of specific planning permission.
- 8 Reason In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.
- 9 Condition The detached garage building shall only be used for 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.

- 9 Reason In order that the Local Planning Authority may retain control over the development in the interests of the residential amenities of the locality in accordance with the NPPF.
- 10 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:
- Drawing No. 1307/001, Site Plan
 - Drawing No. 1307/100P2, Proposed Site Plan
 - Drawing No. 1307/101P2, Proposed Ground Floor Plan
 - Drawing No. 1307/102P2, Proposed First Floor Plan
 - Drawing No. 1307/105P2, Proposed Roof Plan
 - Drawing No. 1307/108P2, Proposed Garage Elevations
 - Drawing No. 1307/109P2, Proposed House Elevations – without context
 - Drawing No. 1307/110P2, Proposed House Elevations – without context
- 10 Reason For the avoidance of doubt and in the interests of proper planning.