

## PLANNING COMMITTEE

5 February 2024

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

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#### **Holme-next-the-Sea Parish Council**

Officers have undertaken a further, very comprehensive review of the evidence available to inform their recommendation. The PC supports the revised recommendation of refusal. In relation to the questions now put before Members, the reasons for the PC's support are summarised below.

#### **QUESTIONS FOR MEMBERS**

The revised Officer Report (January 2024) requests that in determining the application Members are asked (i) to consider the overall position of the buildings within the landscape and the degree of separation from the settlement, which is only accessible across a private footpath link across agricultural fields or via the use of a private motor vehicle along an unmade track and (ii) whether the high risk of flooding on site is outweighed by the benefits of the proposal - noting that (a) it constitutes the creation of a new dwelling in an area of flood risk (b) it will increase the number of people/residences at risk in the event of a high-level flood and (c) the LPA does not consider it necessary to allow the addition of a new dwelling, and therefore increase the number of people at risk in the event of a flood.

#### **SUSTAINABILITY OF THE LOCATION**

Regarding location, the site is outside the Development Envelope (NDP Policy HNTS2) in the countryside (HNTS5). Similar arguments apply to those underpinning the recent refusal of a new dwelling 300m away (Waxwings - 23/00422/F) ie it is not related to agriculture (HNTS5); it is not a sustainable location being a significant distance from facilities and services, it has no public footpath access to surrounding villages (NPPF 176, CS06, CS07) and it is visually out of keeping with the AONB and the wider Countryside (NPPF 176, CS06, CS07, CS08, DM15, HNTS10, and HNTS20). In addition, the site is also in a location designated to revert to intertidal mudflats in the Shoreline Management Plan and does not have a full sustainable lifetime as defined in Planning Guidance.

#### **NEED FOR A NEW DWELLING**

With respect to the need for a new dwelling, the Borough has a 5 Year housing land supply and there is no established local housing need for this dwelling (indeed the resident population of Holme declined by 37% between 2002 and 2021).

It is also relevant that in line with the NPPF (para 165) **Holme's Neighbourhood Plan specifically directs development away from areas of high flood risk and makes more than sufficient provision for new homes within a Development Boundary in area which are not at risk of tidal flooding (this is a Key NDP Policy - HNTS 2).**

Through this and other policies in our NDP the Parish Council is trying to take a responsible approach to the increasing threats posed by climate change and sea level rise. This boundary was

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worked out and agreed in close consultation with the Environment Agency. According to the relevant SMP Policy for the Holme coastal frontage, 80 properties were at risk when the policy was drafted. If this application were to be approved it would add one more to the present number.

#### **HERITAGE SIGNIFICANCE OF THE UNDESIGNATED ASSET**

Considering, the heritage significance of the asset, more than 80% of the existing building is a crude, corrugated iron barn erected in the late 20th century. The proposed conversion to a dwelling does not preserve the existing significance or character of the small component which constitutes the undesignated heritage asset ie the bothy. Indeed the original bothy structure is no longer identifiable as such and represents less than 10% of the resulting house. Other potential uses for the structure (eg repair and use as a bothy or continued use as a farm store) could better preserve its significance.

CS06 specifically requires that for permission to convert buildings in the countryside to residential use: • “the existing building makes a positive contribution to the landscape” (it is clear from photographs included in the PC’s earlier submissions that this is not the case) • “a non-residential use is proven to be unviable” (the barns are currently being used for storage of agricultural materials. Non-residential uses have not been considered) • “the accommodation to be provided is commensurate to the site’s relationship to the settlement pattern” (it is isolated in the countryside and has no relationship to the settlement pattern“ • “the building is easily accessible to existing housing, employment and services” (it is 300m down an unmade track, more than 1km from the nearest villages and bus stops with no public footpath links).

#### **COASTAL INUNDATION AND FLOOD RISK**

With regard to flood risk, the Environment Agency have advised the BC that they offer “no objection to this proposal providing that you have taken into account the flood risk considerations which are your responsibility” (Letter dated 7 August 2023). The view expressed by the EA is that the development would result in a flood hazard which they judge to be a ‘danger for all including emergency services in the 0.5% (1 in 200) annual probability flood event including climate change’

Taking account of the devastation caused by the widespread flooding of new homes across the country it surely would not be consistent with the EA’s advice or any planning policies to support construction of a new dwelling in an inaccessible, environmentally sensitive location which is inadequately defended from tidal flooding.

Furthermore, it is impossible to see how creation of a new dwelling in an area expected to revert to intertidal mudflats during the lifetime of the building can be justified.

**For all of the above reasons the Parish Council maintains its objection to this application and respectfully requests Members to refuse it.**

**Assistant Director’s comments:** : The comments raised by the Parish Council have largely been covered in the officer’s report.

The reference to the recent planning decision regarding Waxwings - 23/00422/F is noted. The current application before Members is to be considered on its merits, in accordance with S38(6) of the Town and Country Planning Act as amended by the 2004 Act.

**Third Party: 19 letters in SUPPORT** majority of comments already covered in the committee report, new salient points summarised below:

1. Concerned that petition is being signed under false pretences.
2. Misconception that only 6 dogs are currently on site. All 16 dogs have in-fact been there since the beginning.

**Third Party: 5 letters in OBJECTION** majority of comments already covered in the committee report, new salient points summarised below:

1. Unauthorised development blocks views of the fields
2. Noise levels might not be excessive currently, but once at planned capacity this will inevitably change.
3. Frequent noisy jet washing to keep the facilities clean.
4. Policy DM15 has not been fully taken into consideration, particularly in relation to impact on the amenity of existing residents.
5. Development has impacted physical and mental health of neighbours.
6. Thrusting a dog breeding business in between retired people trying to peacefully enjoy their twilight years would have a significant adverse impact on amenity.

**Petition with 190 signatures** asking for those who 'disagree and oppose this proposal' to sign the petition.

**Correction:** Amend the first sentence of the Licencing correspondence on page 38 to read as follows: (amended text underlined).

"The site benefits from a breeding licence for up to 16 adult dogs and up to 3 litters on site at any one time, including 12 breeding bitches and 4 studs."

**Assistant Director's comments:** The Licensing response has been clarified and corrected, and relates to 'up to 3 litters on site at any one time'. This had caused some confusion with the numbers, but this should now clarify the position.

Additional objection comments raised are considered to be addressed within the existing neighbour amenity section of the officer's report.

**Cllr Ryves:** Queried assessment of Future Flood Risk within the Officer's Report to Committee, asking whether all future applications would be assessed on the basis of future flood risk, and where these maps can be found.

**Assistant Director's Comments:** The NPPF, at Paragraph 168 discusses the aims of the sequential test and states that the sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

The Environment Agency consider the entire site to be within future Flood Zone 3 and is at risk of flooding in the 0.5% annual exceedance probability event including climate change. The EA flood modelling has been used by the Applicant to confirm this and it is discussed in depth with the Flood Risk Assessment.

Full consideration of the flood risk impacts takes place in the committee report.

**Applicant (summarised):** The applicant sent an email to planning committee members. The email contained the supporting statement that is already in the committee report, comments sent to the parish council that are already covered in the committee report and a letter to members, which given that members have received the letter is briefly summarised below.

1. Burnham Overy Parish Council did not invite the applicant to attend any meetings where Furusato was discussed, the applicant approached the Parish Council with a request to attend to enable them to answer any questions that may be raised
2. The term 'frontage line' or 'building line' was not a term used by the applicants
3. The proposed alignment of the building is approximately in line with the two houses to the immediate west and its location is considered to reduce overlooking rather than increase it
4. The applicant acknowledges that the building is large, but still slightly smaller than The Arboretum and about the same size as another prominent modern house, Westering, which is the first house one sees as one enters Burnham Overy Staite from the west
5. The proposed dwelling is a 3-bed house with a 1-bed annexe wing
6. The dwelling is only slightly higher than The Homestead
7. If the applicant had not purchased the property (that is in excess of 1.2 acres and one of the largest in the village) a developer planned to build four houses on the plot
8. The intention is to maintain the property as a single-family home and to beautify the garden with enhanced landscaping and a natural meadow
9. The development is the replacement of an existing structure
10. Precedence for building outside of the Village Development Boundary (VDB) has been set by Windy Nook which was constructed outside of the VDB and in 2020 an extension, also entirely outside the VDB, was approved
11. The following objection was received in relation to The Arboretum *'Our fundamental objection is that the design and the materials used are wholly out of character and inappropriate for a building on such a prominent site in a conservation area set in an area of outstanding natural beauty.'*
12. Modern houses such as The Arboretum and Furusato will attract comments. However, these new designs are a natural part of the evolution of the village and the applicants consider that Furusato would be an attractive addition to the village panorama
13. Furusato is already well screened and will be further screened by additional tree planting
14. Burnham Overy Staithe comprises many different architectural styles and nowhere is this more on show than from the coast path, and the applicants consider that Furusato will blend sympathetically with its neighbours with its earth-coloured structure and green sedum roof
15. The applicant suggests they have worked diligently with planning to address concerns as they arise and consulted their immediate neighbours prior to submitting the planning application.

**Correction:** The fourth paragraph on page 80 refers to paragraph 209 of the NPPF and the effect of development on non-designated heritage assets. The Conservation Area is a designated heritage asset and therefore the report should refer to paragraph 205 that relates to the effect of development on designated heritage assets.

Paragraph 209 reads: *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

Paragraph 205 reads: *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any*

*potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

**Assistant Director's Comments:** The majority of the comments raised by the applicant in their letter to members are fully covered in the committee report. In relation to comments relating to other sites / development, every application must be considered on its own merits.

Paragraph four on page 80 should refer to paragraph 205 of the NPPF rather than 209. In relation to paragraphs 209 and 205 of the NPPF, in essence both considerations are the same and that is whether there is harm to the asset. The difference between the two paragraphs relates to the weight given if harm is identified, with greater weight given to the harm to a designated heritage asset than to a non-designated heritage asset. However, as covered in the committee report, the Conservation Officer does not consider that the development would result in harm and therefore the conclusion of that section of the report (paragraph five on page 81) remains the same other than reference should be made to paragraph 205 of the NPPF rather than 209.

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**Applicant's agent:** Submitted a further supporting statement, which was circulated to members of the planning committee. A full copy of this is available to view on the website against the relevant reference number.

**Assistant Director's Comments:** The comments raised by the agent have mostly been covered in the officer's report. In relation to the comments raised about the enforcement notice associated with the unauthorised development, this was withdrawn on grounds relating to a drafting error in the notice, and not a matter of planning merit. It does not preclude the service of a further enforcement notice where it is considered to be expedient. However, that will be dependent on the outcome of the planning application to be determined at this committee.

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**Third Party: one neutral representation (summarised):**

Considers that the parking area needs to be contained within an adequate boundary to stop cars having access to the whole field, restricting speeds & keeping pedestrians safe.  
The short grassed field area shares an open border of over 80 yards with the Public Right of Way . Users need to be aware they are in a car park not a field.

**Assistant Director's Comments:** The comments raised by the agent have been covered in the officer's report.

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**Correction:** Condition 3 rightly requires the dwellings to be occupied as principal dwellings. However, Condition 3 does not define what a principal dwelling is. Sedgford Neighbourhood Plan gives the following definition for principal dwellings: *Principal residences are defined as those occupied as the residents' sole or main residence, where the residents spend the majority of their time when not working away from home.*

**Assistant Director's Comments:** For completeness and the avoidance of doubt, it is recommended that condition 3 be amended to include the definition of a principal dwelling.

**Amended Condition:**

3. Condition: The dwellings hereby permitted shall not be occupied other than as a Principal Dwelling and shall at no time be used, purchased or occupied as a holiday let, buy-to-let or second home. A Principal Dwelling is defined as a dwelling that is occupied as the residents' sole or main residence, where the residents spend the majority of their time when not working away from home.

3. Reason: To ensure the dwellings hereby permitted can only be occupied as Principal Dwellings in accordance with Policy H8 of the Neighbourhood Plan.