

Parish:	Burnham Market	
Proposal:	Demolition of existing dwelling and construction of replacement dwelling	
Location:	The Cottage Docking Road Burnham Market Norfolk PE31 8JU	
Applicant:	Mrs Camilla Carter	
Case No:	23/01073/F (Full Application)	
Case Officer:	Connor Smalls	Date for Determination: 30 October 2023 Extension of Time Expiry Date: 7 June 2024

Reason for Referral to Planning Committee – Referred via Sifting Panel.

Neighbourhood Plan: Yes

Case Summary

The application site relates to an existing residential site located on Docking Road outside of Burnham Market. The area is rural in nature with limited built form concentrated to the north. The existing dwelling on site forms a traditional cottage and is considered a non-designated heritage asset. The site is within the Norfolk Coast National Landscape and within the Burnham Market Neighbourhood Plan area.

The application proposes the demolition of this dwelling following an engineer’s report demonstrating that the current dwelling is in a poor structural condition. Subsequently a replacement dwelling with associated landscaping is proposed.

Key Issues

- Principle of Development
- Form, Character and Impact on Non-designated Heritage Asset
- Impact on Neighbour Amenity
- Ecology and Trees
- Highway Safety and Parking
- Any Other Considerations

Recommendation:

APPROVE

THE APPLICATION

The application site relates to an existing residential site with an existing dwelling located on Docking Road outside of Burnham Market. The area is rural in nature with limited built form concentrated to the north. To the east, west and south the area is characterised by agricultural fields, associated hedge boundaries and pockets of trees. The existing dwelling on site forms a traditional two storey cottage consisting mostly of brick and flint and red clay pantiles with some poor-quality later additions. The dwelling is considered a non-designated heritage asset due to its age (at least early 19th century), traditional scale and materials despite the lack of survival of internal features. The site is within the Norfolk Coast National Landscape and within the Burnham Market Neighbourhood Plan area.

The application proposes the demolition of this dwelling following an engineer's report demonstrating that the current dwelling is in a poor structural condition. Subsequently a replacement dwelling with associated access, parking and landscaping is proposed.

SUPPORTING CASE

None received at time of writing.

PLANNING HISTORY

No recent relevant history.

RESPONSE TO CONSULTATION

Parish Council: OBJECTS

The PC feels the scale and design of the proposed development is out of character with the original rural cottage to be replaced, with the proposed development being much larger and out of proportion to the original cottage in a highly sensitive and unspoiled rural location.

If planning officers and/or planning committee are minded to approve this application, the PC requires all policies of the Burnham Market Neighbourhood Plan and Design Codes to be STRICTLY ENFORCED. In particular, the PC draws attention to Policy 3 (Principal Residence Policy) because the proposed development will form a net new residence (given previous property was derelict and uninhabited for many decades), Policy 8 (Biodiversity) owing to the existing undisturbed countryside location, and Policy 11 (Dark Skies) owing to the sensitive situation without any surrounding light pollution.

Highways Authority: NO OBJECTION (summarised for clarity)

With a setback building line and simplified access arrangement which does not impact upon the public highway, the development for a replacement dwelling provides an acceptable solution. Several conditions and informatives (relating to the access specification, limits on obstructions adjacent to the access, visibility splays and parking and turning area) are requested and recommended for any approval.

Conservation Officer: NO OBJECTION

Full detailed responses from the Conservation Officer are available on the online file in regard to previous iterations including suggested conditions.

Non-designated Heritage Asset

The Cottage is a brick and flint cottage of traditional scale, form and mass, situated on the old Docking Road. The tithe map for the area, readily available on the internet from various sources, shows that The Cottage was present on this map and differs very little if at all, from the footprint shown on this map. The Cottage is therefore of at least early 19th century date. The proximity to Crow Hall indicates that there may have been a relationship between the two buildings. The tithe map shows that at that date, there was a set of farm buildings and a Crow Hall House on the opposite side of the road to this modest cottage which formed a discreet and traditionally proportioned group of buildings. It is therefore likely that they had a functional relationship with each other.

The age of the building as well as its construction from traditional materials and its scale, all combine to make this building a non-designated heritage asset despite the lack of survival of internal features. However, the building is in a poor structural condition, with cracks running across the north gable wall and the east elevation. The south gable has been rebuilt in more modern bricks at some stage and there are a number of unsightly single storey extensions also to the south. The outshut to the west is also in poor condition and suffering from vegetation ingress. If this building were to be repaired, it is likely that there would be more rebuilt sections than in situ historic fabric. It is therefore with regret that the principle of the replacement of this building is agreed.

Over the course of the application design advice has been given, this has included the footprint of the dwelling, materials, height, scale, boundary treatments as well as detailed design considerations. Conditions recommend include: sample panel, details of all external materials, joinery details including sections at 1:20, boundary treatments and extractor vents ducts and flues and meter boxes.

To final amendment:

The building has been reduced in height since our last comments and a chimney added. The rear projection has been made shorter and the overall design is now appropriate.

It is appreciated that the building is taller than that which exists at present. It is accepted that in order to meet modern building regulations there are standards which need to be met and, in this instance the agent and applicant have worked with us to ensure that, as far as possible the scale of the building is as close to the existing as can be achieved. The footprint is similar but the height has been increased. While this is disappointing, the reasons behind this are understood.

Historic Environment: NO OBJECTION

Environmental Quality: NO OBJECTION

Arboricultural Officer: NO OBJECTION

A soft landscaping condition is requested and recommended for any approval (including hedging and tree planting).

Ecology: NO OBJECTION (summarised for clarity – full responses available online)

Initial response

Protected species

Evidence of historic birds nesting was identified within both levels of the building but no evidence of roosting or nesting barn owls was found. The potential for badger, great crested newt, reptiles and aquatic mammals to be present is assessed as low or negligible. The potential for bats both roosting and foraging is assessed as moderate.

Further surveys for roosting bats were recommended by the consultant within the PEA and have been undertaken and reported as part of the Ecological Appraisal. Nocturnal (presumably emergence) surveys were undertaken on 26 June and 29 July. Infrequent passes by common pipistrelle as well as occasional barbastelle and brown long eared bats.

Following three surveys no evidence of bats or owls were identified within the property and a conclusion of likely absent was made which is not disputed.

In reference to great crested newt, a record from MAGIC for a European Protected Species Mitigation licence was identified from MAGIC 1.8km north east. However, there are no ponds present within 250m of the site which is the accepted distance from which newts can colonise terrestrial habitat. The conclusion that newts are likely absent is therefore not disputed.

Protected habitats

No protected habitats were identified within the red line boundary and no protected habitats are anticipated to be impacted by the proposal.

Designated sites

No designated sites were identified within 2km of the site boundary and impacts to protected sites are scoped out. Although the proposal is within the Zone of Influence for Protected sites identified within the GIRAMS strategy, the proposal does not increase the amount of overnight accommodation available and thus does not fit the criteria for GIRAMS and is not likely to add to recreational issues on these sites.

The proposal is not within the catchment area for the Wensum SAC and is not subject to Nutrient Neutrality.

Final response to Biodiversity Net Gain

No objections are raised and a condition is recommended in regard to a Biodiversity Gain Plan (BGP), Habitat Monitoring and Mitigation Plan (HMMP) and full Biodiversity Metric in accordance with the Biodiversity Net Gain Overview (Grey Ecology, 2024) submitted demonstrating a minimum 10% gain.

Natural England: NO OBJECTION

Original Comment:

It has been identified that this development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy ('GIRAMS'). It is anticipated that

Planning Committee
3 June 2024

certain types of new development (including new tourist accommodation) in this area is 'likely to have a significant effect' on the sensitive interest features of these European designated sites, through increased recreational pressure when considered either alone or 'in combination' with other plans and projects.

The GIRAMS has been put in place to ensure that this additional recreational pressure does not lead to an adverse effect on European designated sites in Norfolk. The strategy allows effective mitigation to be implemented at a strategic level, so that the relevant councils, Natural England and other stakeholders are able to work together to provide the best outcomes for the designated sites. It also has the benefit of streamlining the process, so reducing the amount of time taken to process individual planning applications for the councils and Natural England.

Natural England worked collaboratively with all the relevant councils to set up the strategy. We fully support the aims of the strategy; in our view it is the best way to provide appropriate avoidance and mitigation measures for the European sites in question. As such, we advise that a suitable contribution to the Norfolk GIRAMS should be sought from this development to ensure that the delivery of the GIRAMS remains viable. If this does not occur then the tariff in the adopted GIRAMS will need to be increased to ensure the GIRAMS is adequately funded.

Additional comment- Natural England subsequently raised no objection to the development.

REPRESENTATIONS (summarised for clarity – full responses available on online file)

SEVEN public **OBJECTIONS** to previous iterations from **FIVE** objectors:

- No justification for replacing what is a typical flint and brick cottage with something which is double the existing footprint. The current dwelling complements the seven barns directly opposite built at the same time approx. 200 years ago in this area which is within an AONB.
- Not a family home, believe development is for commercial reasons and not for owner occupation – holiday let.
- Using the majority of the site for the dwelling sacrifices proper off road parking as well as highway safety issues.
- Use of park railing does not blend with the open countryside which surrounds the property.
- Any development should be restricted to correspond to the existing footprint.
- Building materials and roof tiles to complement the properties immediately opposite.
- 1.5m close boarded fence along the roadside boundary is totally out of character.
- Proposal is an overdevelopment and increase in size and height of the new dwelling would appear incongruous and imposing.
- Significant loss of garden and wildlife habitat, with no biodiversity net gain.
- The ecological survey and proposed mitigations are inadequate. The existing cottage has been a well-known bat roost for many years. Owls have also been present within the cottage and there are newts in the vicinity which have not been considered.
- Overlooking to neighbouring properties.

Final amended scheme:

TWO public **OBJECTIONS** to final amended scheme from **TWO** objectors:

- The design is still too tall, it should not be taller than the existing cottage.
- It will be too imposing and out of keeping with its neighbours and conflicts with the original cottage's size.
- While the siting of the new building may need to alter to allow for off road parking, the overall property should not be beyond the existing footprint - almost double the existing dwelling.
- Overlooking to northern neighbour.
- Side element should at the very least be kept to single storey.
- Development is for commercial reasons and not for owner occupation.
- The traditional flint cottage should be rebuilt using the existing footprint albeit adjusted to permit the off road parking.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM5 – Enlargement or Replacement of Dwellings in the Countryside

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

Policy 1: Housing Mix

Policy 4: Replacement Dwellings

Policy 6: Design

Policy 7: Residential Parking Standards

Policy 8: Biodiversity and Green Corrido

Policy 11: Dark Skies

Policy 12: Surface Water Management

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

Principle of Development

The application site is outside of the village of Burnham Market and is therefore not within any development boundary. The application proposes the replacement of the existing dwelling. However, the Parish Council consider that the proposal should be viewed as a new dwelling “given the previous property was derelict and uninhabited for many decades”.

In relation to the abandonment of the residential use, several considerations are relevant: the physical condition of the building, the period of non-use, whether there has been any other use and the owner's intentions.

The Conservation Team acknowledge that the demolition is unfortunate but accepted given the fact that if the dwelling was repaired, limited historic fabric would remain untouched. However, this is not to say the dwelling could not be repaired as a matter of possibility. Whilst there has been limited long term maintenance of the dwelling it still physically resembles a dwelling. It is clear that the dwelling has not been in use for an extended period of time however, there is no record of any other use on this site which would otherwise alter the historic residential use of the site and plot. Based on this, there is no evidence that there has been any owner intention to change the use of the site from residential. It is not considered reasonable, based on the available evidence and physical building on site, to consider the residential use abandoned.

On this basis, the LPA considers this to be a replacement dwelling with no net increase in residential units. Therefore, Policy 3 (Principal Residency) of the Neighbourhood Plan would not apply as there is no residential net increase.

As detailed below, the LPA considers that the demolition of the existing dwelling is justified and acceptable. Policy DM 5 – Enlargement or Replacement of Dwellings in the Countryside - of the Site Allocations and Development Management Policies Plan 2016 states:

“Proposals for replacement dwellings or extensions to existing dwellings will be approved where the design is of a high quality and will preserve the character or appearance of the street scene 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”.

Policy 4: Replacement Dwellings of the Burnham Market Neighbourhood Plan states:

“Proposals for replacement dwellings will be supported provided that:

- a) They are appropriate to their location with the new dwelling integrating into the surrounding;
- b) Do not unacceptably affect the amenity of neighbouring properties;
- c) They are on a one-for-one basis; and

Planning Committee
3 June 2024

d) Redevelopment of farm buildings should follow the design guidance set out under BF08- Design of Agricultural Buildings of the Design Codes and Guidance Document (2022)".

A detailed assessment of the design is included below within the Form, Character and Impact on Non-designated Heritage Asset element of this report. However, the above policies demonstrate in principle support for such a development and the principle of development is therefore considered acceptable.

Form, Character and Impact on Non-designated Heritage Asset

Identification as a Non-designated Heritage Asset

The existing cottage has been identified as a Non-designated Heritage Asset. The Conservation Officer states:

"The Cottage is a brick and flint cottage of traditional scale, form and mass, situated on the old Docking Road. The tithe map for the area, readily available on the internet from various sources, shows that The Cottage was present on this map and differs very little if at all, from the footprint shown on this map. The Cottage is therefore of at least early 19th century date. The proximity to Crow Hall indicates that there may have been a relationship between the two buildings. The tithe map shows that at that date, there was a set of farm buildings and a Crow Hall House on the opposite side of the road to this modest cottage which formed a discreet and traditionally proportioned group of buildings. It is therefore likely that they had a functional relationship with each other.

The age of the building as well as its construction from traditional materials and its scale, all combine to make this building a non-designated heritage asset despite the lack of survival of internal features".

Demolition

In relation to the status of the dwelling as a non-designated heritage asset and the proposed demolition, both a Heritage Impact Assessment (HIA) and Structural Survey have been submitted in support.

The HIA has included an identification of the building and assessment of its significance as well as both a drawn and photographic recording. Conclusions within the Structural Survey note that the "cottage has suffered from general long-term neglect with it currently remaining in a dilapidated condition. It has suffered significant structural defects with the risk of partial or complete collapse of the roof, eastern flank wall and southern section of the first floor. The property has also suffered foundation movements".

The Conservation Officer has reviewed both documents and concludes:

"However, the building is in a poor structural condition, with cracks running across the north gable wall and the east elevation. The south gable has been rebuilt in more modern bricks at some stage and there are a number of unsightly single storey extensions also to the south. The outshot to the west is also in poor condition and suffering from vegetation ingress. If this building were to be repaired, it is likely that there would be more rebuilt sections than in situ historic fabric. It is therefore with regret that the principle of the replacement of this building is agreed".

Paragraph 209 of the NPPF states:

“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”.

As this application would result in the total loss of the existing dwelling, this needs to be fully justified. It is an accepted fact that the current state of the dwelling and likely lack of original fabric left as a result of refurbishment act in favour of demolition. The site is not within a Conservation Area so the sole consideration is in regard to the dwelling as a Non-designated Heritage Asset. It accepted as a matter of fact that the resultant development would no longer include the Non-designated Heritage Asset. However, as explored below the proposal would be of an in keeping scale reflecting the design of the existing dwelling including fenestration and materials. In addition, the proposal would result in a modern access to current Highway Authority standards alongside the provision of compliant parking provision with associated turning area. This all leads to highway safety and parking improvements compared to existing. Further, the proposal would result in provision of cycle parking, a biodiversity net gain of at least 10% and additional soft landscaping including tree planting.

Based on the above, the support of the Conservation Team considering the impacts of retaining the dwelling as well as the benefits the proposal would deliver is considered to outweigh the loss of the Non-designated Heritage asset. The principle of demolition is therefore accepted.

Design Considerations

It is important to note that the proposed site is not within a specific character area as identified within the Burnham Market Neighbourhood Plan, however the development has been assessed against the overarching requirements of the Plan and Design Code.

The first scheme submitted consisted of a main gable element towards the footprint of the existing dwelling with a further smaller gable to the west and a single storey link element in between. Access would be to the east of the building with a parking and turning area beyond at the side of the dwelling. A new hedge was proposed along the front of the building with an oak board gate and wooden face to the access area. Materials included flint and buff brick, black glazed pantiles as well as zinc roofing to the link element.

It was however considered by the Conservation Officer that the replacement dwelling should be of a scale and form that is respectful of its context and its historic setting. The group of farm buildings were present on 19th century mapping and the cottage forms a group with these farm buildings (to the north). It is considered likely that The Cottage has always been a smaller building than the barns opposite so something of a similar scale to those barns would not be appropriate. The built form on the southern side of Docking Road has also historically been limited, so a large building in footprint was also considered inappropriate.

It was considered that there is no precedent within this group of buildings for long elevations adjacent to Docking Road. Instead, where closer to the road, buildings lay gable onto it. This proposal would therefore be out of keeping with other built form in the vicinity and would be dominating within the street scene, creating a sense of enclosure. The second gabled extension resulted in a spread of built form across the site and a loss of rural openness.

Based on the above assessment, the design was altered. The footprint of the amended scheme was a mostly 'L' shape with the main gable generally towards the footprint of the existing dwelling. The side gable extended towards the west. Fenestration was more

traditional in proportion however, a larger glazed area to the south was proposed. Materials in this interaction included red brick rather than buff.

It was considered that the 'L' shape footprint is acceptable, however, as noted by the Conservation Officer the overall scale of the proposed building would dwarf that of the existing despite it being of traditional design and materials. It was also considered that a proposed flue should be replaced with a more in keeping chimney and the front boundary should not include wooden fencing. It was also noted that black pantiles are not traditional to Burnham Market or this 'discreet' group of buildings.

The final scheme has responded to all feedback and the Conservation Officer now raises no objection. The building has been reduced in height, with the increase compared to the original dwelling of approx. 1.2m. The original dwelling has a height of approx. 5.6m with a main gable width of approx. 4.5m. The final proposal would have a height of approx. 6.8m with a main gable width of approx. 5.8m. A chimney has also been added in place of a flue. The projection to the west has been made shorter and the overall design includes traditional fenestration and detailing. The large, glazed area is now replaced with traditionally proportioned cottage style windows. Materials include flint and red brick, red clay pantiles, cast iron guttering and painted timber windows.

The proposed building would be taller than the existing cottage. However, in order to meet modern building regulations there are standards which need to be met and, in this instance, as far as possible the scale of the building is demonstrated to be as close to the existing as can be achieved. The Conservation Team consider this to be unfortunate, but appropriate and acceptable. The footprint is now similar to existing whilst still an increase. In terms of plot coverage, the existing dwelling covers approx. 92 m² whilst the proposed dwelling would cover approx. 116 m². The whole plot is approx. 542 m².

In relation to the front boundary, the element of fencing has been removed and a flint and brick wall is now proposed, the gate to access would be oak board. A small wooden gate and fence would be to the front of the dwelling behind existing hedge.

Conditions are recommended for any approval regarding sample panels, details of all external materials, joinery details including sections at 1:20, boundary treatments and the placement of extractor vents, ducts, flues and meter boxes.

In relation to the Neighbourhood Plan and Policy 4, Replacement Dwellings - it is considered the proposed dwelling would be appropriate to the location and it would integrate into the surroundings due to the design, materials and scale as amended. The proposal is also on a one-for-one basis and it does not relate to redevelopment of farm buildings and therefore BF08- Design of Agricultural Buildings of the Design Codes and Guidance Document (2022) is not relevant.

In relation to Policy 6 - Design, the proposal would be of a density and height appropriate to the locality with ample plot space remaining. Materials as described above are considered acceptable and in keeping as are boundary treatments which includes new hedge planting (further details of which are conditioned/included within biodiversity considerations). Details of ecology and planting are discussed below.

In relation to Policy 10: Protection of Important Local Views, it would not appear that the dwelling would be within any identified view. However, should the dwelling be visible from the wider locality it is considered that its scale and materials would ensure it sits comfortably within the established character of the locality and would be in keeping with the rural character of the area.

Policy 11: Dark Skies sets out requirements for external lighting and seeks to mitigate any impact as well as from internal sources of lighting within buildings. External lighting on this development would be controlled by the addition of a condition that is recommended for any approval. Due to the now traditional proportions of the fenestration and reduced size and scale, it is not considered that there would be excessive light pollution from the dwelling itself. The existing site is residential, and the site is within a small cluster of dwellings.

Based on the above, it is considered that the development is acceptable, including in regard to the National Landscape, and in accordance with Policy CS06, 08 and 12 of the Core Strategy 2011, DM5 and 15 of the Site Allocations and Development Management Policies Plan 2016, Policy 4, 6, 10 and 11 of the Neighbourhood Plan as well as the requirements of the Burnham Market Design Code, National Design Guide and NPPF 2023.

Impact on Neighbour Amenity

There is only one neighbouring dwelling in close proximity to the application site directly across Docking Road to the north. Proposed plans demonstrate that the replacement dwelling would be two storey (approx. 6.8m to the ridge of the higher element of the building) and not any closer to the north than the existing dwelling.

The north elevation of the dwelling would have windows at ground floor which would face towards Docking Road and the boundary wall of the neighbouring dwelling beyond. At first floor, two windows are proposed, one serving bedroom 3 and one serving bedroom 1.

In relation to bedroom 3, this would be the sole window serving this room. However, the existing dwelling has a window at first floor in this elevation. Based on the new plans the proposed window would be in a slightly different position and would be further to the west. However, the window would still be mostly opposite the side of the neighbouring dwelling with more limited lateral views to the main rear amenity space beyond. With this considered, as well as the separation of approx. 9.2m to the neighbour's boundary as well as the road between, it is not considered, taking a balanced view, that a refusal could be substantiated on this relationship.

In relation to bedroom 1, this would not be the sole window to this room with two windows to the southern elevation of the dwelling. In addition, this element of the dwelling is further set back than the main gable element and is separated from the neighbouring boundary to the north across Docking Road by approx. 10.6m. Based on the above, it is considered, again taking a balanced view, that this relationship would not lead to unacceptable overlooking.

In addition to the above, the separation distances across Docking Road from the proposed replacement dwelling to the neighbouring boundary are considered to ensure that there are no adverse overbearing or overshadowing impacts. This is as well as an acceptable relationship relating to overlooking.

The development is therefore considered to be in accordance with Policy CS08 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016, Policy 4 of the Neighbourhood Plan and the NPPF 2023.

Ecology and Trees

In relation to trees, the Arboricultural Officer raises no objection, noting that it appears that the two large cypress trees have been removed from the site prior to the application – this did not require consent. In relation to other trees and hedges, these are considered to be of limited value for any redevelopment of the site. A soft landscaping condition, to include new tree planting is requested and recommend on any approval.

Planning Committee
3 June 2024

In relation to Ecology, the BCKLWN Ecologist raises no objection. The submitted Ecological Impact Assessment demonstrates no evidence of bats or owls and the conclusion of likely absent is not disputed. The same applies in regard to newts whereby there is not a pond with 250m of the site and the conclusion of likely absent is not disputed.

No protected habitats or designated sites are considered to be adversely impacted as noted by the Ecologist's comments.

In relation to Biodiversity Net Gain, the submitted Biodiversity Net Gain Overview states:

"Given that habitats within the site will be limited to hardstanding or vegetated gardens which will not provide any significant net gain in biodiversity, it is proposed that post-development net gain is sought off-site, but adjacent to, the development Site, as extensive land locally is in the ownership of the developer.

In the first instance, the poorly-maintained garden hedgerow around the site will be removed to facilitate access to the Site during clearance and construction works, with the exception of the 12m section along Docking Road which will be retained and enhanced through the infilling of gaps with new native-species hedgerow planting.

It is proposed this a new, mixed-species native hedgerow is planted, running just adjacent to the red line boundary but outside the curtilage of the dwelling and therefore "off-site", replacing 0.027km of garden hedgerow within 0.071km of mixed-species native hedgerow. Half of this would be considered compensatory planting, and half would be put towards biodiversity net gain. Extending the hedgerow around the entirety of the boundary will establish a much stronger green corridor in an area close to potential green corridors identified in the Burnham Market Neighbourhood Plan."

The submitted Biodiversity Net Gain Overview includes the following Non-Measurable Biodiversity Enhancements:

- One integrated bat box should be installed on the new house, at the apex of a gable wall, ideally facing south and at least 4-5m high. This should be a box suitable for small numbers of crevice dwelling bats such as the Habibat 3S bat box.
- Two integrated swift boxes should be installed on site, ideally facing north, at least 5m in height on the building. The Cambridge Nest Box System would be a suitable design.

Based on the above, the BCKLWN Ecologist raises no objection and a relevant condition is recommended on any approval. The habitats should be secured for at least 30 years via planning obligation and a S106 agreement would be required to secure this.

In addition, the Ecologist recommends that any impermeable boundary treatment must include signed egress for small mammals i.e. hedgehog holes. This recommendation is included as a recommended condition on any approval as part of a condition relating to boundary treatment details which would further ensure a suitable visual impact in this regard.

The development would therefore accord with Policy CS12 of the Core Strategy 2011, Policy 8 of the Burnham Market Neighbourhood Plan and the NPPF 2023.

Highway Safety and Parking

NCC Highways raise no objection based on either highway safety or parking. Requested conditions are included on any approval.

In relation to the Neighbourhood Plan, the parking proposed is in accordance with Policy 7 of the Neighbourhood Plan (two off-road spaces for a three-bed dwelling). Car parking is to the side of the dwelling, behind the building frontage and would be 6m in length, in excess of the policy requirement. The parking area would be permeable and consist of shingle and areas of reinforced grass, mostly screened to the street by the proposed brick and flint boundary wall and oak boarded gate. Existing vegetation and proposed boundary hedging would further screen to the wider area although there are limited views. As the proposal does not include a garage, a condition requiring details of covered and secured cycle parking within the domestic curtilage is recommended for any approval.

The development is therefore considered to be appropriate and in accordance with Policy CS11 of the Core Strategy 2011, DM17 of the Site Allocations and Development Management Policies Plan 2016, Policy 7 of the Neighbourhood Plan and the NPPF 2023.

Any Other Considerations

Surface and Foul Water

The application site is not shown on SFRA mapping to be a risk of surface water flooding, due to the scale of the development it is not therefore considered that additional information is required. In relation to foul drainage, plans indicate the installation of a sewage treatment plant to the south-west corner of the plot. Such matters would be considered under Building Regulations.

Natural England comment

Natural England in their latest comment raised no objection, However, previously Natural England requested that this application should pay the GIRAMS contribution. However, this application is for a replacement dwelling which is not a net increase in accommodation. In addition, this application does not relate to 'holiday accommodation' and the dwelling would form a C3 residential use. Whilst the use of the dwelling as a holiday let could fall within this use this would not be within the control of the LPA. It is however relevant to note that within supporting documentation, the applicant has specially noted that this dwelling is not intended to be used as a holiday let:

"This dwelling has been purchased by Burnham Farms with the intention to restore it as part of the larger working farm it sits within. Importantly, knowing and understanding the difficulties facing Burnham Market in recent years, we would like to note that there is no intention of this house being used as a holiday let, by contrast, it will be restored as a vital part of the community and to the functioning and running of the farm itself."

For the avoidance of doubt, the BCKLWN Ecologist has stated that "no designated sites were identified within 2km of the site boundary and impacts to protected sites are scoped out. Although the proposal is within the Zone of Influence for Protected sites identified within the GIRAMS strategy, the proposal does not increase the amount of overnight accommodation available and thus does not fit the criteria for GIRAMS and is not likely to add to recreational issues on these sites".

Parish Council Objection

In relation to scale and design, this is addressed within the Form, Character and Impact on Non-designated Heritage Asset element of this report. The Neighbourhood Plan and Design Code are addressed above including in relation to Policy 8 (Biodiversity) and Policy 11 (Dark Skies). Regarding Policy 3 (Principal Residence Policy), this application has been determined as a replacement dwelling as discussed within the Principle of Development

Planning Committee
3 June 2024

section of this report. Based on this, there is no net increase in dwellings on this site and it would not therefore be reasonable to impose a principal residency condition as this does not currently apply to the existing dwelling.

Third Party Objection

Many public objections relate to previous versions of the scheme, however, all relevant comments relating to the principle of demolishing and replacing the dwelling, form and character, impact on neighbour amenity as well as highway safety and ecology/biodiversity have been addressed above.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:

* PROPOSED SITE AND BLOCK PLAN, Drawing Number: 101 PL4, Received: 26 March 2024.

* PROPOSED PLANS ELEVATIONS AND SECTIONS, Drawing Number: 102 PL3, Received: 26 March 2024.

2 Reason: For the avoidance of doubt and in the interests of proper planning.

3 Condition: Prior to occupation, full details of soft landscape works (both red line and the blue line land) shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. Soft landscape works shall include planting plans (tree planting as proposed in the ECOLOGICAL IMPACT ASSESSMENT), written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate. All 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 which 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.

3 Reason: To ensure appropriate landscape design in accordance with Policy CS12 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2023 as well as Policy 6 and 8 of the Burnham Market Neighborhood Plan.

- 4 Condition: No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the dwelling and boundary wall hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
- 4 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as Policy CS12 of the Core Strategy 2011 and Policy 6 of the Burnham Market Neighbourhood Plan.
- 5 Condition: Notwithstanding approved plans, no development shall take place on any external surface of the development hereby permitted until samples of the materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as Policy CS12 of the Core Strategy 2011 and Policy 6 of the Burnham Market Neighbourhood Plan.
- 6 Condition: Notwithstanding approved plans, no development over or above foundations shall take place on site until 1:20 drawings of all new and/or replacement windows and doors have been submitted to and approved in writing by the Local Planning Authority. The plans shall include joinery details, cross sections and the opening arrangements as well as window style, reveal, cill and header treatment. The development shall be implemented in accordance with the approved details.
- 6 Reason: To ensure a satisfactory external appearance in accordance with the principles of the NPPF, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as Policy CS12 of the Core Strategy 2011 and Policy 6 of the Burnham Market Neighbourhood Plan.
- 7 Condition: Prior to first occupation of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected. Any impermeable boundary treatment must include signed egress for small mammals i.e. hedgehog holes.

The boundary treatment shall be completed before the occupation hereby permitted is commenced or before the building is occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 7 Reason: To ensure that the development is compatible with the amenities of the locality and takes place with due regard for biodiversity and ecology in accordance with Policy CS08 and CS12 of the Core Strategy 2011 as well as DM15 and DM19 of the Site Allocations and Development Management Policies Plan 2016, Policy 6 and 8 of the Burnham Market Neighbourhood Plan and the NPPF 2023.

- 8 Condition: Any vents, ducts, flues, extractors and meter boxes associated with the development hereby approved shall be, so far as is practicable, sited so as to minimise their effect on the external appearance of the building.
- 8 Reason: To minimise adverse impacts to the external appearance of the dwelling, in accordance with the NPPF 2023 and Policies CS12 and DM15 of the Local Plan.
- 9 Condition: Prior to occupation, a scheme for covered and secured cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented prior to occupation and retained as permitted in perpetuity.
- 9 Reason: To ensure the provision of suitable covered and secured cycle parking for future occupiers and in the interests of encouraging sustainable forms of transportation in accordance with Policy CS08 of the Core Strategy 2011 as well as Policy 7 of the Burnham Market Neighbourhood Plan and the NPPF 2023.
- 10 Condition: Prior to the first occupation/use of the development hereby permitted the vehicular/cyclist access over the verge shall be constructed in accordance with the highways specification (TRAD 4) and thereafter retained at the position shown on the approved plan. 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.
- 10 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with Policy CS11 of the Core Strategy 2011 and the NPPF 2023.
- 11 Condition: Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.
- 11 Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened in accordance with Policy CS11 of the Core Strategy 2011 and the NPPF 2023.
- 12 Condition: Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225metres above the level of the adjacent highway carriageway.
- 12 Reason: In the interests of highway safety in accordance with Policy CS11 of the Core Strategy 2011 and the NPPF 2023.
- 13 Condition: Prior to the first occupation of the development hereby permitted the proposed access/on-site car parking/servicing/turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 13 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with Policy CS11 of the Core Strategy 2011 and the NPPF 2023.

- 14 Condition: Prior to the commencement of development, a Biodiversity Gain Plan (BGP), Habitat Monitoring and Mitigation Plan (HMMP) and full Biodiversity Metric shall be submitted to and approved in writing by the local planning authority. The plans shall accord with the Biodiversity Net Gain Overview (Grey Ecology, 2024) and accompanying calculations, demonstrating a minimum 10% gain calculated using the Biodiversity Metric, including information about the steps taken or to be taken to minimise the adverse effect of the development on biodiversity of the onsite habitat and any other habitat identify how the Habitat will be secured , monitored and the mechanism to achieve it. Development shall be carried out in accordance with the approved plan.
- 14 Reason: To ensure that the development delivers at least 10% biodiversity net gain in accordance with Policy 8 of the Burnham Market Neighbourhood Plan and the NPPF 2023.
- 15 Condition: Prior to the installation of any outdoor lighting, a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height/locations of the lighting, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with the approved scheme and thereafter maintained and retained as agreed.
- 15 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF, Policy CS08 and CS12 of the Core Strategy 2011, Policy DM15 of the Site Allocations and Development Management Policies Plan 2016 and Policy 11 of the Burnham Market Neighbourhood Plan.