

HIGH KELLING – PF/20/1904 - Demolition of existing TB annex and erection of replacement one and a half storey dwelling and cart shed at Land South of Brackenwood (Old TB Annex), Cromer Road, High Kelling for Mr Forster

Minor Development

- Target Date: 29 July 2021

Case Officer: Miss J Smith

Full Planning Permission

RELEVANT CONSTRAINTS

- Landscape Character Area
- LDF Tourism Asset Zone
- Countryside
- Principal Routes
- Contaminated Land
- Tree Preservation Order
- Area of Outstanding Natural Beauty

RELEVANT PLANNING HISTORY

28789/60: Erection of a one and a half storey dwelling on land to the rear of Brackenwood, Cromer Road High Kelling. Approved July 1960.

EF/14/0993: Certificate of Lawfulness for proposed erection of one and a half storey dwelling Was Lawful Use 24/10/2014

DE21/16/0093: Proposed new two and a half storey dwelling Advice Given (for pre-apps) 17/06/2016

PF/18/1691: Demolition of barn and outbuilding (two-storey outbuilding to be retained), erection of two storey dwelling, detached cart shed & outbuilding. Refused 21/12/2018

PF/19/0574: Demolition of shed, outbuilding and footings and erection of two storey dwelling and detached garage (Existing barn on eastern boundary to be retained) Refused 21.10.2019

UPDATE

The application was considered at the Development Committee meeting on 3 June 2021. Consideration of the application was deferred to allow for amendments to the proposed development to be sought to address concerns relating to the extent of glazing on the proposed dwelling and its impact on the dark skies of the Area of Outstanding Natural Beauty, the proposed roofing material, loss of bats due to the demolition of the TB building, increased environmental standards/energy efficiency to reduce impacts climate change and construction vehicles using the shared access with the adjoining neighbours.

Officers have subsequently received confirmation from the agent that no changes to the scheme would be made and as such it is to be determined on the basis of the plans considered at the previous meeting.

THE APPLICATION

The application seeks permission to erect a four bedroom detached replacement dwelling with detached two bay cart shed. The scheme provides parking and manoeuvring for a minimum of three cars, residential amenity space and bin storage.

Amended plans have been received which reduces the height, scale and massing of the proposed dwelling to that which was originally submitted.

The dwelling would comprise facing brickwork at lower level with timber boarding at upper level under a profile metal sheet roof.

The site is set back from the main Cromer Road and located within a secluded setting surrounded by mature screening and trees.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr Perry Warnes as it is considered the proposed 2.5 storey dwelling is out of keeping with the scale of the three neighbouring 1/1.5 storey properties. Additionally, its design and location would adversely impact on the privacy of neighbouring properties and the demolition of the TB annex would also have an adverse impact on a resident population of bats, in contravention of the Wildlife and Countryside Act (1981) and Conservation of Habitats and Species Regulations (2017).

PARISH/TOWN COUNCIL

High Kelling Parish Council: Object on the grounds of over development and highway safety. Although the footprint was smaller than the previous application for the site it was still double the size of what was granted by the Certificate of Lawfulness. The large house is top heavy and would overlook neighbouring properties. There was also concerns raised due to access and an increase in traffic at the road junction with the A148. The property also lends itself to being a holiday letting which could contribute further to increased traffic and road safety implications with visitors not familiar with the area and dangerous junction. Councillors also commented that they felt the materials proposed for the roof were not in keeping with the surrounding church area and would have a negative impact on the character and conservation of High Kelling. If officers were minded to approve the application the Parish Council request that conditions are attached to the permission so the roof materials used are more in keeping with the surrounding dwellings, the dwelling could not be used as a holiday letting and permitted development rights are removed.

REPRESENTATIONS

Two letters of objection received on the following grounds:

- The proposed dwelling is disproportionately larger in height and scale than the approved dwelling in the 1960's (considered lawful in 2014).
- Design, materials and extent of glazing.
- Overlooking.

- Loss of privacy.
- Contamination at the site.
- Road safety hazard.
- Use of driveway for heavy construction traffic.
- Impact on trees.
- Noise and disturbance and sever intensification of use of the site of the driveway.
- Out of date reports.
- Position of septic tank.

CONSULTATIONS

Landscape Officer: No objection, subject to conditions.

County Council (Highway) No objection subject to conditions.

Environmental Health: No objections subject to conditions.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 2 - Development in the Countryside

HO 8 - House extensions and replacement dwellings in the Countryside

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 9 - Biodiversity and geology

EN 10 – Development and Flood risk

EN 13 - Pollution and hazard prevention and minimisation

CT 5 - The transport impact of new development

CT 6 - Parking provision

National Planning Policy Framework (NPPF):

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

MAIN ISSUES FOR CONSIDERATION

- Principle of development

- Design
- Amenity
- Trees
- Biodiversity
- Landscape
- Highways and parking
- Floor risk
- Environmental considerations

APPRAISAL

Principle

The principle of development was established with the issuing of a Certificate of Lawfulness EF/14/0993. The Certificate of Lawfulness acknowledges that planning permission 2879/60 was implemented. The site therefore has an extant permission for the erection for a one and a half story dwelling house located to the east of the site. As such, the dwelling could be built which is a fall-back position which in this case has to be given weight in the decision making.

The CL application highlighted that the principle of a replacement dwelling only applies to the part of the site, roughly the eastern half of this current application site. The western half of the application site is not included within the certificate of lawful development approved curtilage and as such, falls within the Countryside as set out within the Core Strategy policy SS1.

However, Policy SS2 sets out the criteria for development that requires a rural location and is considered acceptable in the Countryside. New market dwellings are not included within the list of acceptable development. Bearing in mind the assessment of policy SS 2 set out in a 2016 appeal decision: APP/Y2620/W/16/3152281 for two dwellings in High Kelling, the extant certificate of lawful development for a dwelling and that the planning principles have not altered since the appeal was allowed in November 2016, it is considered that the documented sustainability of the site within High Kelling in terms of its reasonable accessibility to services and facilities is such that the provision of one dwelling would be acceptable in principle. Additionally, it is Officer opinion that centralising of the one dwelling within this site, would not be uncharacteristic other dwellings in the immediate context which are situated within large spacious plots with mature gardens. The site will only permit one dwelling and can be conditioned accordingly if permission was granted.

Policy HO 8 of the adopted Core Strategy permits replacement dwellings in the countryside where they would not result in a disproportionately large increase in the height or scale of the original dwelling and would not materially increase the impact of the dwelling on the appearance of the surrounding countryside. In determining what constitutes a 'disproportionately large increase' account will be taken of the size of the existing dwelling, the extent to which it has previously been extended or could be extended under permitted development rights, and the prevailing character of the area.

On the basis that the approved scheme in the 1960 (subject to the CL) was of no architectural merit and that only the foundations had commenced, it is not considered unreasonable that an application has been received for its replacement with a larger, updated dwelling within this secluded site. The extant one and a half storey dwelling would have had a total floor area of approximately 98 sq. metres (noted as 1052 sq. feet on the approved plans). If permitted

development rights were to be considered, an extension of approximately 28 sq. metres (4 x 7metres) could be added to the dwelling totalling a floor area of 126 sq. metres.

Amended plans have been received which reduce the proposed dwelling's overall floor area by 25% from 200 sq. metres to 150 sq. metres. Additionally, whilst it is clear that the proposed dwelling is larger than the extant scheme in terms of floor space, the scheme has been amended to reduce the eaves and overall roof height resulting in a reduction from a full 2 and a half storey design (8.2 metres) to a 1.5 storey design (6.6 metres) in height. Additionally, a break in the ridge reduces its visual mass. The proposed use of brick, timber cladding and metal roofing is not considered out of context for a rural location – subject to a condition requiring materials to be agreed.

Whilst the proposed dwelling contains a larger floor area than the dwelling approved in 1960, it is not considered that the proposed dwelling, as amended would be significantly or disproportionately larger than what could be built if the extant permission was completed and permitted development rights implemented. Additionally, given the secluded nature of the site which is set back from the road side and surrounded by mature screening and trees, it is not considered that the proposed scheme would materially increase the impact of the dwelling on the appearance of the surrounding countryside. Furthermore, it is considered that the design solution proposed would result in an improvement to the extant permission.

On balance, the proposed scheme as amended is not considered to be in conflict with Policies SS1, SS2 and HO 8 of the adopted Core Strategy.

Design

High Kelling contains a wide mix of dwellings which vary in size, scale, styles and materials. It is not an area where one character prevails over another, and has no overriding local distinctiveness. In the immediate context, there are both single and one and a half storey dwellings situated amongst generous plots. Therefore, taking into account the diverse mix in the character of the area there is no objection to a more contemporary design in this location, or to a dwelling that is larger in scale than the existing.

In terms of design, the form and massing of the dwelling has been amended to be relatively low-lying with a maximum height of 6.6 metres. The pitched roofscape is a more traditional form where the massing has been broken up by the step down in the ridge height. Furthermore, the mixed pallet of materials, with the use of brick, cladding and metal roofing are considered acceptable for this rural location. On balance, the combination of design, scale, massing and materials would not be out of context within the immediate setting. The proposal is considered to comply with Policy EN4 of the adopted Core Strategy and Section 12 of the NPPF.

Amenity

Given the proposed dwelling's distance from neighbouring properties and the secluded, heavily screened nature of the site boundaries, it is not considered that the development would result in significant impact on the neighbouring occupier's residential or garden amenity in terms of overlooking, overbearing or overshadowing. The proposal is considered to accord with Policy EN 4 of the adopted Core Strategy and Section 12 of the NPPF.

Trees

The application has been supported by a revised Arboricultural Report. The report details all of the tree constraints on site and has provided a detailed method statement and tree protection plan to ensure all trees set to be retained will be adequately protected throughout the course of development. Subject to the imposition of appropriate conditions, the proposal is considered to be acceptable in terms of Core Strategy Policies EN2 and EN4 of the adopted Core Strategy and Section 15 of the NPPF

Biodiversity

The application is supported by a revised Ecological Impact Assessment (EclA). The Council's Landscape Officer states that the evidence submitted with the application indicates that a European Protected Species Mitigation Licence will be required to demolish the TB building due to the presence of bats. However, it is considered that a Natural England EPS Licence is likely to be granted. To ensure that the development results in no net loss of biodiversity (paragraph 174 of the NPPF) and to contribute towards the Council's statutory duty to conserve biodiversity under the Natural Environment and Rural Communities Act 2006 (NERC Act) conditions should be imposed on any permission which aim to secure detailed mitigation measures for bats and nesting birds on the development site. Subject to the imposition of appropriate conditions, the proposal is considered to comply with Policy EN 9 of the adopted Core Strategy and Section 15 of the NPPF.

Landscape

Neither the Landscape Officer nor the Norfolk Coast Partnership have raised an objection to the proposal. The site is secluded and bounded by mature screening, set back from the roadside with residential properties as nearby neighbours. Given the reduction in size and scale, it is not considered that the replacement dwelling will have a significantly detrimental impact upon the surrounding landscape, and the proposed dwelling should not appear out of context with the surrounding area. As such, the proposal is considered to comply with Policies EN 1 and EN 2 and Section 15 of the NPPF.

Highways and Parking

Norfolk County Council as the Highway Authority raise no objections to the proposal given that approval has previously been granted for one dwelling on this site. As such, the proposal is considered to comply with Policies CT 5 and CT 6 of the adopted Core Strategy and Section 9 of the NPPF.

Flood Risk

Based on SFRA Level 1 & Addendum Briefing Notes May 2018, the site is located within an area subject to groundwater flooding. However, given the generality of the dataset only isolated locations within the overall susceptibility area are likely to suffer the consequences of groundwater flooding. Additionally, the building would remain within the same use class (C3 dwellinghouse), hence the property's level of vulnerability remains unchanged. In terms of Core Strategy Policy EN 10 and NPPF Section 14 the proposal is acceptable.

Environmental Considerations

Given the site's former use as a TB Hospital and Builders Yard, the Council's Environmental Protection (EP) officers were consulted and raised no objection to the principle of the proposal subject to the imposition of a pre-commencement condition to assess the possible presence of contaminates at the site.

The EP officer also requested the inclusion of an informative note advising the applicant of their responsibilities with regard to the demolition of building(s) with a cubic content greater than 49.55cubic metres and that the proposed sewage package treatment plant will need to be appropriately sized for building control approval, where the applicant is advised to contact the Environment Agency as they will need to obtain discharge consent for the treatment plant. As such, subject to the imposition of appropriate conditions, the proposal is considered to comply with Policy EN 13 of the adopted Core Strategy.

The Outbuildings

Concern was raised within the previous applications as to the over-development of the site with given the combination of the erection of a cart shed and retention of barn and TB building. The barn and TB building have been detailed for removal. In the event of planning permission being granted, the proposed cart shed can be conditioned to ensure that it remains for vehicle parking/ domestic storage only and permitted development rights removed for the erection of other buildings and structures within the curtilage, unless permission has been sought by the Local Planning Authority.

Conclusion

The proposal is considered to be acceptable in terms of its principle for one dwelling, design, effect on the character and appearance of the area, living conditions, highways related matters, trees, landscape, contamination and biodiversity, and is recommended for approval subject to the imposition of appropriate conditions.

With regard to the comments made by the objectors:

- The design and external materials are considered acceptable for rural location in a secluded site.
- The highways officer has raised no objections to the proposal given the lawful certificate granted in 2014 for one dwelling at this site.
- The Landscape Officer and Norfolk Coast Partnership do not raise an objection on the grounds of landscape impact, trees, extent of glazing or protected species.
- Certificate B was served as part of the application in respect to the right of way over the driveway. This is a civil issue and not a material planning consideration.
- The Use Class for a dwelling and/or Holiday let will fall in to the same Use Class – C3 and therefore not subject to imposition of a planning condition restricting holiday use.

RECOMMENDATION - APPROVAL

Approve subject to conditions relating to the following:

- Time limit for implementation

- In accordance with the approved plans
- Materials for the proposed development to be agreed prior to their first use on site
- Permitted Development rights removal for any further extensions, alterations, building and structures within the curtilage.
- The development hereby approved shall be carried out in strict accordance with the mitigation and enhancement measures outlined in section 7 & 8 of the Wild Frontier Ecology Preliminary Ecological Appraisal (Updated January 2021).
- No works including any clearance, demolition, modification or building work to the existing outbuilding to be demolished (also referred to as the TB Annexe) as identified on the SM Architects Planning Drawing 01 (Drwg no. PL01, Job no. 15.3502.046, Rev. L, 22/02/21) shall take place in any circumstance unless the local planning authority has been provided with either: a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or b) A statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.
- Development including any demolition and site clearance or preparatory work, shall not commence until the scheme for the protection of the retained trees has been implemented in full in accordance with the approved Timetable of Works (Appendix 6), Tree Protection Plan (Appendix 4) and Arboricultural Method Statement (Appendix 5): Revised Arboricultural Impact Assessment prepared by A.T. Coombes Associates (13/04/2021).
- Prior to the first occupation of the development hereby permitted the proposed on-site car parking/turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- Prior to its instillation, any external lighting to be agreed.
- Prior to the commencement of development, an investigation and assessment into the presence of possible contaminants affecting the site shall be carried out in accordance with details which shall have first been agreed in consultation with the Local Planning Authority.
- Foundations of the existing dwelling considered lawful under planning reference (EF/14/0993) to be removed prior to the occupation of the new dwelling.

Final wording of conditions and any others considered necessary to be delegated to the Assistant Director for Planning