

# Planning Committee

16 August 2019

Agenda item number 10.1

## BA/2019/0112/FUL Land adjacent to Cordova Cottages, the Staithe, Stalham

Report by Planning Officer

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### Proposal

Erection of 3 terraced houses and associated parking and storage.

### Applicant

Mr John Stares

### Recommendation

Approve subject to conditions

### Reason for referral to committee

Departure from Local Plan Policies

### Application target date

19 July 2019

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# 1. Description of site and proposals

- 1.1. The application site is located in Stalham Staithe to the south of the A149 and to the north of the Staithe Road. The proposed site access is from Staithe Road which benefits from a footpath and crossing island to the main settlement of Stalham on the opposite side of the A149 road.
- 1.2. The site is a plot of land measuring approximately 20m wide x 27m (west) and 30m (east) and covers a total area of 580m<sup>2</sup>. It is rectangular in shape with its proposed frontage along Staithe Road to the south. To the east of the site is a builder's yard and commercial buildings, to the rear (north) is a detached dwelling with a boundary hedge forming the northern boundary of the application site. To the west is a block of 4 terraced 19th century dwellings (Cordova Cottages). These are handsome buildings which retain much of their original architectural detailing. The land to which this application relates is planted with a variety of plants, shrubs and trees, of both native and non-native species and is not untidy.
- 1.3. The frontage is an established hedge of approximately 2.5m in height and there is a significant hedge along the entire length of the western boundary. Essentially this is a large garden or perhaps had been an orchard. The application site currently contributes as a gap in development and provides a verdant character to the Conservation Area.
- 1.4. The site is within Stalham Staithe Conservation Area, which is characterised by a number of prominent listed buildings and unlisted buildings which contribute to an attractive Broads waterside settlement with houses and boatyards intermingled between softer water and green landscaping. Between these blocks are areas of green, generally garden or open spaces.
- 1.5. Other areas of the village are characterised by more intense development, including the adjoining builders' merchant yard and buildings, the large boatyards associated with Richardsons Hire fleet, other boat yards including the Museum of the Broads site to the north west of the site, as well as holiday and residential development at Burtons Mill.
- 1.6. The site is outside of the Environment Agency's flood zone 2 and 3 and is therefore considered to be at a low risk of flooding.
- 1.7. Full planning permission is sought for a block of three south-facing terraced houses along the site's boundary with Staithe Road. The proposed new vehicular access into the communal parking area would be via a new access along the eastern side of the site onto Staithe Road. The scheme proposes to remove the hedge along the southern boundary and on the western boundary.
- 1.8. The proposed block of three terraced houses would have a road facing width of 14.6m, and is proposed to be set back from the road with small front gardens. The block is 8.5m deep, and behind the dwellings there would be small gardens, and then

behind that area a communal car parking and turning area. The dwellings would have an eaves height of 5.0m and a ridge height of 8.6m. The form of development and design has been amended during the course of the application to comply with the requirements of Norfolk County Council as Highways Authority (by moving the access to the eastern side of the site) and officers' comments regarding design and materials.

- 1.9. The two end terraces would have a gross internal floor area (GIA) of 94m<sup>2</sup> and the central terraced house has a GIA of approximately 90m<sup>2</sup>.
- 1.10. This is a resubmission following the withdrawal of the previous application. The main difference is that this proposal no longer proposes a fourth dwelling as the previous application had done and omits a bungalow to the rear.

## **2. Site history**

- 2.1. The most relevant planning history in regards to this site is the withdrawn application reference BA/2018/0417/FUL which was withdrawn on the 24 of January 2019.

## **3. Consultations received**

### **Stalham Parish Council**

- 3.1. No objection.

### **Broads Internal Drainage Board**

- 3.2. No objection to the development.

### **Norfolk County Council Highways**

- 3.3. No objection to the revised scheme which altered the access to the eastern side of the site subject to conditions.

### **Broads Authority Historic Environment Manager**

- 3.4. Following the amendments to the design the proposal is considered to result in a development which would make a positive contribution to the Conservation Area. Conditions should be used to confirm details of materials, detailing and joinery.

### **Broads Authority Ecologist**

- 3.5. No objection subject to conditions.

### **Broads Authority Tree Officer**

- 3.6. No objection subject to conditions requiring landscaping including replacement planting.

## **4. Representations**

- 4.1. One letter of representation has been received which does not object to the development but has raised the issue of foul and surface water drainage and request that Anglian Water are consulted.

## 5. Policies

- 5.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).
- 5.2. The following policies were used in the determination of the application:
  - DM11 - Heritage Assets
  - DM13 - Natural Environment
  - DM16 - Development and Landscape
  - DM21 - Amenity
  - DM23 - Transport, highways and access
  - DM43 - Design
- 5.3. The [National Planning Policy Framework \(NPPF\)](#) is a material consideration in the determination of this application.
- 5.4. There is no Neighbourhood Plan adopted in this area.

## 6. Assessment

- 6.1. The key considerations in determining this application are the principle of development, housing need, design and impact upon the Conservation Area, amenity and other issues including highways.

### Principle of development

- 6.2. At the heart of the NPPF and the newly adopted Local Plan for the Broads is the principle of sustainable development which seeks to ensure that development which comes forward is located and designed so as to be considered environmentally, socially and economically sustainable. The principle mechanism by which this is achieved is by locating new residential development within existing settlements, where a development boundary has been drawn to indicate the suitability for such development.
- 6.3. This site is located outside of a development boundary and is therefore one where, in principle, residential development should not be permitted. However, whilst the site is located outside of a defined development boundary and was not promoted as part of the plan making process, it should be noted that consideration was given to the merits of the site (in sustainability terms) during the preparation of the Local Plan.
- 6.4. The area of Stalham Staithe had been considered for a development boundary and this area generally scored well in the Settlement Study, which is the process by which such an assessment is made. This scoring relies on the ability to cross the A149 using the pedestrian refuge as many facilities and services are fairly close to the Staithe area once the A149 is crossed. Some concern was raised regarding the impact of

further development on the Conservation Area and it was not clear at the time whether there was capacity to allocate the wider area for further development without impacting on this. Because the site was not put forward in the Local Plan 'call for sites' process, it was not specifically considered for allocation and it was concluded, on balance, not to identify a development boundary for the Stalham Staithe area. Now this site has been proposed through this application it must be considered on own merits, mindful, however that the proposal is technically contrary to Policy DM35 of the Local Plan.

- 6.5. Whilst it is acknowledged that the proposed development is not within a defined settlement boundary, it is considered to be located within a sustainable settlement. The purpose of the development boundary approach is to consolidate development in existing built-up communities with a clearly defined settlement and adequate services and facilities to support further development of a scale and character that can be considered to be in accordance with the principle of sustainable development as set out in the NPPF. Stalham Staithe, with its adequate pedestrian link to Stalham town, meets this requirement. Norfolk County Council as Highways Authority have not objected to the development and accept that the current A149 Pedestrian Crossing is acceptable. Because of this the scheme is considered to be in accordance with the principles of the NPPF, and part (d) of Strategic Policy 15 (Residential Development) and in accordance with the reasoned justification of Policy DM35 of the Local Plan for the Broads.
- 6.6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the Development Plan unless there are other material considerations which indicate otherwise. This proposal is, in principle, contrary to Local Plan for the Broads Policy DM35 (Residential Development within defined Development Boundaries), however the objectives of that policy are to steer development towards sustainable locations which have access to services and would not result in built development within the open countryside. In this case, the sustainability of the location is an important material consideration and overall it is considered that the proposed development would not undermine the objectives and principles of the development plan.

### **Housing need**

- 6.7. Whilst the evidence provided for the Local Plan for the Broads demonstrates that the Broads Authority has a five year land supply, it is not to say that the development should be refused on the basis that the current minimum need is being met by the Local Plan. As set out above the site when considered on its own merits is considered to be a sustainable location. Therefore, whilst the site is technically contrary to the Local Plan, and does not propose other uses or tenures such as affordable housing, or holiday accommodation which might be in accordance with the Local Plan, the proposal complies in principle with the NPPF.

- 6.8. The NPPF sets out that the Local Plan strategic policies should as a minimum provide for the objectively assessed housing need. In this case, unless other issues are considered to arise from the construction of these three dwellings, then it is not reasonable to refuse planning permission as this development would go towards meeting and exceeding this required housing provision.

#### **Design and impact upon the conservation area**

- 6.9. The proposed block of terraced houses is a design which is similar to the existing blocks of terraced housing which front onto Staithe Road, referencing the traditional village form. The design incorporates scope to use traditional materials and detailing. The overall scale and massing of the development is similar to that of the adjacent Cordova Cottages, and other terraced blocks which are typical of Staithe Road. The front gardens are of a similar size to other terraced blocks and will allow for landscaping to be incorporated to the front of the block.
- 6.10. The application site currently contributes positively to the character and appearance of the Conservation Area, and this popular Broads waterside village. The proposed development would see the removal of established mature hedgerows, which is regrettable. On balance however, the proposal is considered to be an appropriate form of development that would retain areas for gardens and landscaping, and would introduce 3 dwellings in a traditional layout and location which is typified by blocks of road side terraced houses. Following discussions with officers, the design has been simplified and there has been a reduction in roof lights which results in a sympathetic design. The detailing, materials and joinery will be conditioned, however from the proposed elevation drawings the scheme is considered to preserve the character of the area.
- 6.11. Therefore, the development is considered to be in accordance with Policies DM11 (Heritage Assets) and DM43 (Design) of the Local Plan for the Broads.

#### **Amenity**

- 6.12. The proposed terrace of 3 houses is of a design and internal space that is considered to be of an acceptable layout to provide sufficient amenity for future occupants. The roof height of the upper floor bedroom would be acceptable, even as a room in the roof to provide adequate headroom, storage space and outlook. The properties would have small rear gardens, and these gardens would be directly adjacent to the turning area of the shared parking space. It is not considered that these properties amenity is harmed by the lack of garden space to the point where it would warrant refusal, and the retention of the garden of the property to the north of the site results in the retention of the verdant character of this site within the Conservation Area.
- 6.13. Due to the orientation of Cordova Cottages with a blank gable facing the application site, and the distance to the property to the rear of the site, there is no adverse impact upon the amenity of neighbouring residents. As such the proposal is

considered to be in accordance with policy DM21 (Amenity) of the Local Plan for the Broads.

### Other issues

- 6.14. The site access onto the highway network has been amended, and is now considered in principle to be a safe access by Norfolk County Council as the Highways Authority. As such the proposed access and connections to the Stalham are considered to be acceptable.
- 6.15. The applicant has set out that surface water drainage would be dealt with on site, and that foul drainage would be to mains sewerage. No comment was received from Anglian Water, and separate to the planning process the applicant will need the consent of the Internal Drainage Board for the surface water drainage system. There would be space within the site to incorporate soakaways, attenuation tanks or other SUDs infrastructure if required. It is proposed that this would be controlled by condition to ensure compliance with policy DM6 (Surface water run-off) of the Local Plan for the Broads.
- 6.16. The site currently plays a role in providing habitat for birds and other wildlife, and through the submission of a habitat survey, as well as the removal of the bungalow to the rear as had previously been proposed under application reference BA/2018/0417/FUL the development is considered not to have a detrimental impact upon habitats or protected species subject to certain conditions controlling the development. This is in accordance with Policy DM13 (Natural Environment) of the Local Plan for the Broads.

## 7. Conclusion

- 7.1. At paragraph 5.6 above, the circumstances in which proposals that conflict with the development plan can be considered for approval are outlined as where there are other material considerations which indicate otherwise. In considering this application the following points have been considered:- does the proposal harm the objectives of the policy and plan; does it comply with other development plan policies; and, are there any other materials considerations that weigh in favour of the proposal.
- 7.2. As assessed above, it is not considered the proposal would result in unsustainable development as the site has good access to services and Norfolk County Council as Highways Authority consider the crossing of the A149 and central refuge island adequate for pedestrians. Nor would it result in an adverse impact upon the character and appearance of the Conservation Area or the amenity of other residents. Therefore, it is concluded there would be no significant harm to objectives of the policy or wider plan were the proposal to be permitted. The proposal has also been found to be in compliance with the other relevant policies. Furthermore, the design is considered to be of high quality and respond positively to the local setting. Whilst not being able to 'recreate' heritage it would make a positive visual contribution to the

Conservation Area and enhancements could be secured in terms of landscape and ecology.

- 7.3. Whilst the primacy of the development plan is appreciated, on balance, it is considered that the objectives of the plan would not be significantly harmed by allowing this development as a departure from the development plan nor would any undesirable precedent be created.
- 7.4. No objection to the scheme has been received from neighbours or consultees, and subject to conditions it is felt that this development would preserve the character of the Conservation Area. Therefore, it is recommended that planning permission is approved subject to conditions.

## 8. Recommendation

- 8.1. Approval.

## 9. Reason for recommendation

- 9.1. The application is considered acceptable as a departure from adopted Policy DM35 of the Local Plan for the Broads but is in accordance with Policy DM11, DM21, DM23, DM43 and SP15 of the Local Plan for the Broads and having due regard to statutory requirements of the LPA in considering planning applications within Conservations Areas as set out within section 72 of the Planning (Listed Building and Conservation Areas) Act 1991 the proposal is considered preserve the character and appearance of the Conservation Area.

### Conditions

- Standard time limit
- In accordance with approved plans
- Details of materials
- Details of construction detailing at scale 1:10
- Details of joinery, windows, doors and roof lights at scale 1:10
- Details of surface water drainage
- Details of soft and hard landscaping including boundary treatments
- Works in accordance with the Arboricultural assessment
- ecological condition for works outside the breeding bird season (Eco 8)
- soft felling of any tree branches with bat roost potential
- Replanting of native trees and shrubs to replace any lost as per the species list outlined in the ecological report (page 20)



- Inclusion of ecological enhancements outlined in the ecology report (page 23)
- Access constructed in accordance with NCC specification
- Vehicular and pedestrian access, parking/turning area shall be laid out, demarcated, levelled, surfaced and drained
- Removal of PD rights regarding enclosure of access
- Details of visibility splays and retention thereafter
- Access to be 4.5m for a minimum of 10m from highway
- Cycle parking shall be installed and retained thereafter
- Vehicle access as shown on the approved plan

### **Informative**

- Requirement to gain IDB consent for SUDs
- Requirement to gain Highways Authority Consent for works to highway
- Requirement to clarify with Highways Authority the Highway boundary

Author: Jack Ibbotson

Date of report: 2 August 2019

Background papers: BA/2019/0112/FUL

Appendix 1 – Location map

# Appendix 1

## Location map



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