

Application for Determination

Parish	Stalham		
Reference	BA/2012/0020/FUL	Target date	23/03/2012
Location	Utopia And Arcady, Mill Road, Stalham		
Proposal	Demolition of existing two cottages and replacement with two new dwellings		
Applicant	Mr and Mrs Hugh Leventon		
Recommendation	Objections from Town Council and other third parties		

1 Background

- 1.1 In January 2012 the Authority received an application which sought Conservation Area Consent for the demolition of a pair of semi-detached dwellings in the settlement of Stalham Staithe and, on the same site, an application for planning consent for the erection of a pair of replacement cottages.
- 1.2 The applications were the subject of objections from a number of parties including the Broads Society, Stalham Town Council and a number of third parties.
- 1.3 The applications were considered at Planning Committee held 30 March 2012 and, having regards to the matters raised and the sensitive nature of the application site (which lies within the Stalham Staithe Conservation Area), members considered it appropriate to defer a decision on the applications pending a members site visit.
- 1.4 A site visit was conducted on 20 April 2012 and the applications were brought before members for consideration at the next Planning Committee meeting, held on 27 April 2012.
- 1.5 At the April Committee members resolved unanimously to approve the application for Conservation Area Consent; this permitted the demolition of the dwellings. In considering the application which sought planning consent for a pair of replacement dwellings, members expressed concerns regarding the appropriateness of the Arts and Crafts design approach and the degree to

which such a design approach could be considered to preserve and enhance the character of the Stalham Staithe Conservation Area.

- 1.6 During the meeting members also expressed concerns regarding the footprint of the proposed new building, the increased height of the ridges and, particularly, the height of the proposed chimneys, and the overall impression of the height and scale of the proposed new building.
- 1.7 Having regard to these concerns and the sensitive nature of the site, members resolved to defer determination of the application for planning consent for the replacement dwellings to allow further negotiations between the applicant and officers regarding the design of the proposed replacement building, with a view to submission of a revised scheme which was more sympathetic to the character of the Stalham Staithe Conservation Area.
- 1.8 A copy of the April Committee Report is attached at Appendix A.
- 1.9 Following further discussions between the applicant and officers, a revised scheme was submitted on the 2 November 2012.
- 1.10 A question has been raised as to whether this revised scheme should, in fact, be the subject of a new application rather than being considered as a revised proposal under the existing application for planning consent.
- 1.11 Central Government Guidance regarding such matters is contained in Circular 31/92 and, whilst the Circular only deals specifically with the scenario where a revised application is submitted after refusal or withdrawal of an application (neither of which is the case with this application), the general thrust of the advice is that where the application as revised is not materially different from that originally submitted in terms of character and description then a fresh application is not required. It is the case that determination of such a matter is for the discretion of the local authority and, given that the amended application, as with the original proposal, seeks consent for a pair of replacement dwellings and the proposed amended scheme falls entirely within the red line boundary of the original proposal, it is not considered that the revised proposal is materially different from that originally submitted in terms of character and description.
- 1.12 Accordingly, the amended proposal has been considered as a revision to the original application and not treated as a new application. This notwithstanding, the consultation period for comments on the revised proposal lasted three weeks; this period being identical to the consultation period for new planning applications.
- 1.13 The revised scheme has now been subject of consultation, with all parties who commented on the original scheme invited to submit further comments. The consultation period has now ended and this report includes a description of the site and sets out the officer assessment of the revised planning application for replacement dwellings. The report does not consider the principle of the demolition of the existing cottages as this was considered in

the determination of the application for Conservation Area Consent, which was approved unanimously by Planning Committee at April's meeting.

2 Description of Site and Proposals

- 2.1 The application site comprises a pair of semi-detached cottages which sit within a large, irregularly shaped plot which extends to approximately 2.26ha.
- 2.2 The plot is situated in the settlement which centres around Stalham Staithe and has a significant length of water frontage. In addition to the pair of dwellings, the plot also accommodates a garage, a shed, a large boathouse and two private mooring dykes, one of which is partially covered by the boathouse.
- 2.3 The north frontage of the site is bounded by a drain which separates the site from a residential property and a mooring plot. To the east the site is bounded by Stalham Dyke, a navigable stretch of water which extends southwards from the Stalham Staithe Settlement to join the River Ant approximately 1.5km south-west of the site. To the west the site adjoins 4 residential properties and land to the south is undeveloped woodland leading down to another mooring dyke off Stalham Dyke. The site is approximately 250m west of the main Richardsons Boatyard at Stalham Staithe.
- 2.4 The site is accessed via a private drive leading on to Utopia Way.
- 2.5 The site lies outside the development boundary for Stalham and within the Stalham Conservation Area. The site sits largely within Flood Zone 3a.
- 2.6 The existing dwellings date from the late 18th or early 19th Century and comprise a subdivided, two storey building. The cottages are predominantly constructed from brick, with large sections of wall also incorporating flint and brick rubble. The roof is red pan tile and windows and doors are painted timber. Both properties have been extended, with a simple 1930s lean-to extension added to the northern gable end of Utopia, and a less sympathetic mono-pitch and flat roof extension from the 1970's on the southern gable of Arcady.
- 2.7 This planning application seeks consent for the erection of a pair of replacement cottages at the site. The proposal would not alter the access to the site nor the existing garage, shed or boathouse.

3 Site History

In 2002 consent was granted for replacement quay heading (BA/2002/1652/HISTAP).

In 2004 consent was granted for the erection of replacement boathouse and installation of bank stabilisation and decking (BA/2004/1443/HISTAP).

In 2006 an application for the demolition of cottages and replacement with single two storey dwelling was withdrawn (BA/2006/1207/HISTAP).

In 2006 an application for the erection of a replacement boathouse with holiday unit above was withdrawn (BA/2006/1208/HISTAP).

In 2007 an application for the demolition of the cottages and their replacement with a single house with boathouse and holiday flat refurbished, was withdrawn (BA/2007/0020/FUL).

4 Consultation

Stalham Town Council – We consider the application should be refused for the following reasons:

- too large;
- not vernacular as claimed; and
- concern regarding drainage and Flood Zone.

The Town Council request a new planning application be submitted.

District Member – The application should only be determined by the Broads Authority Planning Committee as there are local objections to the application

Environment Agency – No response received regarding revised proposals. No objection to original proposals.

Broads Society – We note the revised plans include a modification to the design of the new buildings and provision for use of materials which are more in keeping with the local character. We therefore withdraw our previous objection.

5 Representations

14 letters of objection from private individuals and one objection from Campaign for the Protection of Rural England.
Five letters in support of the revised proposal.

6 Policy

6.1 Adopted Core Strategy Policies

[Core Strategy \(Adopted Sept 2007\).pdf](#)

CS5 – Historic and Cultural Environments.

6.2 Adopted Development Management DPD Policies

[DMP DPD - Adoption version.pdf](#)

DP4 – Design

DP5 – Historic Environment

DP24 – Replacement Dwellings
DP28 – Amenity
DP29 – Flood Risk.

6.3 **NPPF as a material consideration**

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

7 **Assessment**

- 7.1 In assessing the revised application the principle question is whether the revised proposal satisfies the requirements of all relevant policies within the Development Plan, having regards also to any relevant material considerations. The application must be judged on its own merits against these policies and, if it is found to be in accordance, should be approved.
- 7.2 However, notwithstanding the above, it is the case that the Planning Committee have considered a scheme at this site before and requested that the applicant reconsider certain elements of the proposal. Consequently, it is considered that it may be instructive when making an assessment of the revised proposal to identify alterations made from the previously submitted scheme in order to identify what changes have been made to address previously expressed concerns.
- 7.3 Considering first the principle of the development, Policy DP24 permits replacement dwellings subject to the satisfaction of specific criteria relating to size and design (a), location (b), use (c) and a consideration of the impacts of loss of the existing dwelling (d).
- 7.4 With regard to criterion 'c' and 'd'; the existing dwellings have a lawful residential use (c) and it is not considered that the existing dwelling has any historic, architectural or cultural significance which makes it worthy of retention (d). The issues regarding the degree to which the existing dwellings make a contribution to the character of the Conservation Area and the historic and architectural merits of the building were considered in detail in the determination of the application for Conservation Area Consent (see particularly paras 6.3 to 6.10 of Appendix 1). Having already accepted the principle of demolition through a Planning Committee resolution to approve the application for Conservation Area Consent, it is not considered that this application for planning consent could be refused on the grounds that the existing building has a historic, architectural or cultural significance which makes it worthy of retention. The building is not listed and was not put forward by any part for inclusion on the Authority's Local List. Consequently, it is considered that criterion 'd' is satisfied.
- 7.5 The principle areas of concern relate to criteria 'a' (consideration of scale, mass, design and external appearance) and 'b' (location).
- 7.6 Addressing first criterion 'a', Policy DP24 states that replacement dwellings will be permitted provided that '*the scale, mass, height and external*

appearance of the replacement dwelling are appropriate to its setting and the landscape character of the location’.

7.7 In terms of scale and mass, it is the case that the proposed new building would be larger than the existing and not dissimilar in footprint to the previous proposal. The dimensions of the existing building, the previously proposed scheme and the revised scheme subject of this report are set out in the table below:

	Ridge	Footprint	Total Length	Widest point	Eaves
Existing building	6.4	137	17.6	7.5	4.25
Previous proposal	7.3	205	23.8	10	3.97
Revised proposal	7.6	203.6	27.4	8.6	3.82

7.8 In determining this application it is important to note that Policy DP24 does not require that replacement buildings are of the same size as those currently at the site; rather, what is required is that the development is appropriate to its setting and the landscape character of the location.

7.9 In this case the application site is a substantial residential plot extending to over 2ha in size. Whilst it is noted that a significant proportion of this plot is given over to wet woodland and natural riparian habitat, the existing building, gardens and former orchard amount to a plot totalling approximately 0.5ha, and it is not considered that a building of the size proposed would constitute overdevelopment either of the plot as a whole or if only that part of the plot which is read as being ‘domesticated’ is taken into account.

7.10 The new building would have a ridge approximately 1.2m higher than the existing building, however having regards to the scale of other buildings in the Stalham Staithe Conservation Area, the distance of the building from the nearest public viewing point (some 60m to the river and 70m to the public highway at Mill Road) and the detailed design of the proposal (including the reduction in scale of the chimneys, which reduces the perceived scale of the building), it is not considered that this represents an unacceptable increase in height.

7.11 In this instance what is proposed is a pair of replacement dwellings which would be approximately 50% larger in footprint than the existing dwellings, and which adopt a simple, uncomplicated design the type of which is not uncommon within the Broads area and would use a mixture of materials recycled from the existing properties and new materials typical of the Stalham Staithe Conservation Area.

- 7.12 With reference to the character of the wider Stalham Staithe Conservation Area, the Conservation Area accommodates a variety of buildings including substantial residential and commercial properties which are visible from the water. Some of these residential properties are comparable in terms of footprint, mass and scale to the replacement dwellings proposed in this application. In this context, it is considered that the proposed replacement dwelling would be appropriate in scale and mass to the setting both within the application site and within the wider landscape of the Stalham Staithe Conservation Area.
- 7.13 With reference to design, Policy DP24 requires the design of replacement dwellings to be appropriate to its setting and the landscape character of the area. Additionally, Policy DP4 requires a high standard of design and Policy DP5 requires that, where the application site lies within a Conservation Area, development must preserve and enhance the character of Conservation Areas.
- 7.14 Considering the detail of the proposed scheme, the revised proposal adopts a simplified, more vernacular approach than the high Arts and Crafts design of the previous proposal. The design and detail of the elevations and, in particular, the elevation facing the river, have been rationalised. The removal of the balcony, specification of smaller dormer window gables and the incorporation of a simpler window design are notable changes from the previous scheme and represent a simplification of the previous design philosophy. In addition, the chimneys have been reduced in height by around 50% (from 1.8m above the ridge to 0.9m) and the single storey element reconfigured to reduce the width of the building.
- 7.15 In terms of materials, it is now proposed to finish the roof in clay pantiles (rather than the plain tiled previously proposed), and walls would be finished in red facing bricks with the gable ends incorporating flint rubble recycled from the existing building. Windows and doors would be timber, casement style units. It is proposed to secure final details of all external materials by condition attached to any planning consent issued.
- 7.16 Having regards to the above, it is considered that the proposal satisfies the requirements of criterion 'a' of Policies DP4, DP5 and DP24, and there is no objection to the design, scale or massing of the proposal.
- 7.17 With reference to the NPPF, which is a material consideration in this application, paragraph 60 emphasises that planning decisions '*should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness*'. Having regard both to this guidance and the assessment above, it is not considered that the proposal conflicts with the limited guidance regarding design contained within the NPPF.

- 7.18 The final remaining criterion of Policy DP24 is criterion 'b', which requires that the replacement would be located within the same building footprint as the existing dwelling or in an alternative location within the same curtilage, which would be less visually prominent and/or at lower risk of flooding.
- 7.19 With respect to criterion 'b' it is the case that the proposed new dwelling would partially occupy the same building footprint as the existing dwelling. Due to an increase in size and reorientation the proposed new building would not be located entirely within the footprint of the existing building; however, it is not considered that the proposed revised location would have any detrimental landscape impacts, having regard to the substantial screening of the site provided by boundary planting and neighbouring properties. With respect to flood risk, the entire site falls within Flood Zone 3a or 3b, so whilst the proposed new cottages would offer benefits in terms of flood resilience (discussed at para 7.24), it is not possible for relocation within the site to have the effect of reducing the risk of flooding.
- 7.20 Considering the above, it is concluded that the development accords with Policies DP4, DP5 and Policy DP24.
- 7.21 In response to consultation on the revised scheme, several parties objecting to the proposal reiterate objections based on issues of amenity, flood risk, access and sewerage. Whilst these were not issues specifically highlighted as requiring further negotiations by the Planning Committee, the matters are covered below in the interests of ensuring all material considerations have been taken into account.
- 7.22 Addressing first the issue of overlooking, the revised scheme occupies much the same location within the plot as the previous proposal. Whilst concerns regarding impact on neighbouring occupiers' amenity are recognised, it is the case that, at 30m to the nearest neighbouring property, the new building would be no closer to any neighbouring property than the existing. Having regard to this distance between the properties and the substantial intervening screening planting, it is not considered that the proposal would result in any significant detrimental impact on amenity. Accordingly, it is considered that the development would be in accordance with Policy DP28 and would have no significant detrimental impact on neighbouring occupiers' amenity.
- 7.23 In respect of flood risk, the applicants have submitted a comprehensive site flood risk assessment which concludes that the development would be safe and would not increase the risk of flooding elsewhere. The Environment Agency is satisfied that the proposed new dwellings would offer an improvement in terms of flood resilience over the existing dwellings and raise no objection to the proposal.
- 7.24 In terms of flood resilience the Flood Risk Assessment identifies a number of flood resilient construction techniques which could be used in the development, including the specification of upvc window and door units. It is the case that the benefits in terms of flood risk need to be weighed against other material considerations, including the design and appearance of the

property. Consequently, whilst it is considered that some recommendations within the Flood Risk Assessment would be desirable (for example installation of moveable flood barriers across doors, siting of sockets above flood levels etc), others, such as the specification of upvc windows and doors, will not. To retain control over precisely what measures are proposed it is considered appropriate to attach a condition to any consent issued.

- 7.25 Concern has been raised regarding the proposal to building over an existing internal drainage ditch, however, the ditch is not adopted by the Internal Drainage Board and, having considered the site specific flood risk assessment, the Environment Agency have confirmed that there are no objections to the proposal on the grounds of flood risk. In addition, the Environment Agency have welcomed the proposal to connect the new dwellings to the existing mains sewer network.
- 7.26 The issue of protected species has also been raised by objectors to the proposal. There were no objections to the original scheme from the Authority's Ecologist, who considered the submitted protected species survey and proposed working methodology. Nothing has changed regarding protected species in the revised proposal and it is considered that the findings of the original survey, carried out in December 2011, remain valid.

8 Conclusion

- 8.1 This application seeks planning consent for the replacement of a pair of semi-detached cottages. Demolition of the cottages requires the benefit of Conservation Area Consent and the decision to approve the application for Conservation Area Consent was resolved by Planning Committee in April 2012.
- 8.2 This application proposes a pair of replacement cottages. The cottages would be larger than the existing dwellings on the site and would be constructed from red brick, reclaimed flint rubble, clay pantiles and timber fenestration. In terms of design, the previous proposals with high Arts and Crafts Approach has been replaced by a more vernacular approach, resulting in a simpler form and the specification of materials common to the Stalham Staithe Conservation Area.
- 8.3 Having regard to the mixed character of the Conservation Area, the size of the site within which the replacement building would sit and the detailed design and material proposed, it is considered that the revised proposal would preserve the character of the Stalham Staithe Conservation Area and that, consequently, the application is in accordance with Policies DP4, DP5 and DP24 of the adopted DM DPD.
- 8.4 Furthermore, it is not considered that the proposal would result in any significant detrimental impact on the amenity of neighbouring properties, the ecology of the Broads or cause any increase in flood risk on or off site. Accordingly, the proposal is considered to satisfy the requirements of policies DP1, DP28 and DP29.

8.5 Consequently, the recommendation here is for approval subject to conditions as detailed below.

9 Recommendation

9.1 Approve subject to conditions:

- Time limit.
- In accordance with approved plans.
- Prior to demolition, no development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording in accordance with a brief issued by the Historic Environment Service.
- All works to be carried out in accordance with approved Protected Species Methodology.
- Prior to commencement of works, details of protected species enhancements to be submitted to and approved in writing by the Local Planning Authority.
- Prior to commencement of works details of external materials including sections through joinery.
- Remove householder permitted development rights.
- Prior to commencement of work, submit details of Flood Resilient construction techniques to be incorporated into the building.
- All development carried out in accordance with revised Flood Risk Assessment.

10 Reason for Recommendation

10.1 The proposed new cottages are of a scale, mass, height, design and external appearance which is appropriate to the setting and the landscape character of the location, and the design and materials proposed are of a sufficient quality to preserve and enhance the character of the Conservation Area. It is considered that the proposed replacement dwellings would represent an improvement in terms of flood resilience and the Environment Agency has not objected to the proposal. Given this, it is considered that the application for planning consent is in accordance with Policy DP24 and there is no conflict with policies DP28 (amenity) or DP29 (development on sites with a high probability of flooding).

Background papers: Planning File BA/2012/0020/FUL

Author: Fergus Bootman
Date of report: 11 December 2012

Appendices: APPENDIX A– Planning Committee Report from 27 April 2012
APPENDIX B – Note of Site Visit held on 20 April 2012

APPENDIX A

**Broads Authority
Planning Committee**
27 April 2012

Application for Determination

Parish	Stalham		
Reference	BA/2012/0020/FUL & BA/2012/0021/CON	Target date	23/03/2012
Location	Utopia And Arcady, Mill Road, Stalham		
Proposal	Demolition of existing two cottages and replacement with two new dwellings		
Applicant	Mr and Mrs Hugh Leventon		
Recommendation	Objections from Parish, Neighbours and Broads Society		
Reason for Referral to committee	Objections from Parish Council, Neighbours and Broads Society		

1 Background

- 1.1 In January 2012 applications were received for the demolition of a pair of cottages (BA/2012/0021/CON) and the erection of a pair of replacement cottages (BA/2012/0020/FUL) at a site within the settlement at Stalham Staithe. A report was presented to the Planning Committee meeting of 30 March 2012 (attached at Appendix 1).
- 1.2 In considering the application members indicated that a site visit would afford a better understanding of the site, the existing dwellings and the landscape context in which the dwellings are located. Accordingly, members resolved to undertake a site visit prior to determination.
- 1.3 Members will undertake a site visit on 20 April 2012.
- 1.4 No further consultation responses have been received to date. The applicant has provided additional information detailing the ownership history of the site and this document is available to view on the Authority's Public Access web pages.

2 Assessment

- 2.1 A full assessment can be found in the report prepared for the 30 March meeting, a copy of this report is attached as Appendix 1.

- 2.2 The main issues to consider in the determination of this application are the impact the loss of the existing cottages would have on the character of the Stalham Staithe Conservation Area, the design, siting and scale of the proposed replacement cottages and the impact the proposed new cottages would have on neighbouring occupiers' amenity.
- 2.3 As reported to the committee on the 30 March, the issue regarding the treatment of waste water (discussed at para 6.23 of the March committee report) has now been resolved, with the applicant confirming the new cottages would be connected to the mains sewer network.

3 Recommendations

3.1 BA/2012/0021/CON - Application for Conservation Consent

Approve subject to conditions:

- Time limit.
- Prior to demolition no development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording in accordance with a brief issued by the Historic Environment Service.
- All demolition works hereby approved shall be carried out in accordance with section 8 of the approved Protected Species Survey.

3.2 BA/2012/0020/FUL – Application for erection of replacement cottages

Approve subject to conditions:

- Time limit.
- In accordance with approved plans.
- Prior to demolition no development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording in accordance with a brief issued by the Historic Environment Service.
- Prior to commencement of works details of protected species enhancements to be submitted to and approved in writing by the Local Planning Authority.
- Prior to commencement of works details of external materials including sections through joinery.
- Remove householder permitted development rights.
- All development carried out in accordance with revised Flood Risk Assessment.

4 Reasons for Recommendations

4.1 BA/2012/0021/CON - Application for Conservation Consent

It is not considered that the cottages are so significant to the character of the Conservation Area that their demolition and replacement with a

suitably designed property would be unacceptable. Consequently, it is considered that the application for Conservation Area Consent is in accordance with PPS5 and policy DP5 of the adopted DM DPD and there is no objection to the granting of Conservation Area Consent for demolition of the cottages.

4.2 **BA/2012/0020/FUL – Application for erection of replacement cottages**

The proposed new cottages are of a scale, mass, height, design and external appearance which is appropriate to the setting and the landscape character of the location, and the design and materials proposed are of a sufficient quality to preserve and enhance the character of the Conservation Area. It is considered that the proposed replacement dwellings would represent an improvement in terms of flood resilience and the Environment Agency has not objected to the proposal. Given this, it is considered that the application for planning consent is in accordance with Policy DP24 and there is no conflict with policies DP28 (amenity) or DP29 (development on sites with a high probability of flooding).

Background papers: Application Files BA/2012/0020FUL and BA/2012/0021/CON

Author: Fergus Bootman

Date of Report: 12 April 2012

List of Appendices: Appendix 1 – Planning Committee Report from 30 March 2012

Report considered by Planning Committee on 30 March 2012

Broads Authority
Planning Committee
30 March 2012

Application for Determination

Parish: Stalham

Reference: BA/2012/0020/FUL & BA/2012/0021/CON **Target Date:** 23/03/2012

Location: Utopia and Arcady, Mill Road, Stalham

Proposal: Demolition of existing two cottages and replacement with two new dwellings

Applicant: Mr and Mrs Hugh Leventon

Reason for referral: Objections from Parish, Neighbours and Broads Society

Recommendation: Approve with conditions

1 Description of Site and Proposals

- 1.1 The application site comprises a pair of semi-detached cottages which sit within a large, irregularly shaped plot which extends to approximately 2.26ha.
- 1.2 The plot is situated in the settlement which centres around Stalham Staithe and has a significant length of water frontage. In addition to the pair of dwellings, the plot also accommodates a garage, a shed, a large boathouse and two private mooring dykes, one of which is partially covered by the boathouse.
- 1.3 The north frontage of the site is bounded by a drain which separates the site from a residential property and a mooring plot. To the east the site is bounded by Stalham Dyke, a navigable stretch of water which extends southwards from the Stalham Staithe Settlement to join the River Ant approximately 1.5km south-west of the site. To the west the site adjoins 4 residential properties and land to the south is undeveloped woodland leading down to another mooring dyke off Stalham Dyke. The site is approximately 250m west of the main Richardsons Boatyard at Stalham Staithe.
- 1.4 The site is accessed via a private drive leading on to Utopia Way.
- 1.5 The site lies outside the development boundary for Stalham and within the Stalham Conservation Area. The site sits largely within Flood Zone 3a.

- 1.6 The existing dwellings date from the late 18th or early 19th century and comprise a subdivided, two storey building. The cottages are predominantly constructed from brick, with large sections of wall also incorporating flint and brick rubble. The roof is red pan tile and windows and doors are painted timber. Both properties have been extended, with a simple 1930's lean-to extension added to the northern gable end of Utopia, and a less sympathetic mono-pitch and flat roof extension from the 1970's on the southern gable of Arcady.
- 1.7 The proposal here is for the demolition of the existing cottages and their replacement with a pair of new cottages. The proposal would not alter the access to the site nor the existing garage, shed or boathouse.

2 Site History

In 2002 consent was granted for replacement quay heading (BA/2002/1652/HISTAP).

In 2004 consent was granted for the erection of replacement boathouse and installation of bank stabilisation and decking (BA/2004/1443/HISTAP).

In 2006 an application for the demolition of cottages and replacement with single two storey dwelling was withdrawn (BA/2006/1207/HISTAP).

In 2006 an application for the erection of a replacement boathouse with holiday unit above was withdrawn (BA/2006/1208/HISTAP).

3 Consultation

Stalham Town Council – Strongly object - concern at overall size and height of proposed dwelling. Not within the style of existing nearby dwellings. Too large for floor area. Flood Zone (sic).

Broads Society – We have no objection to the demolition and replacement of the existing cottages. In our view the proposed Arts and Crafts style is alien to the traditional architecture associated with this part of the broads. Our overall impression of the proposal is that the proposed building is far larger than the existing; if this is true then the new building will be out of scale compared to surrounding properties. However it is impossible to make an accurate assessment in the absence of any dimensions or illustrations comparing existing and proposed. We therefore wish to object to the proposal in its current form.

Environment Agency – No objection, subject to resolution of waste water treatment proposals.

District Councillor, Mr Robert Stevens – The application can be determined by the Head of Development Management (delegated decision).

Norfolk Historic Environment Service – No objection to demolition or proposed replacement. Request a condition requiring photographic survey of building prior to demolition.

4 Representations

11 representations received: five from residents of Stalham, of which four objected to both the demolition and replacement and one objected only to the proposed replacement building. Four representations from other interested individuals, all of whom objected to both the demolition and the proposed replacement. One objection from Campaign for the Protection of Rural England (CPRE) Norfolk, who also object to both the demolition and replacement.

5 Policy

5.1 National Planning Policies

PPS5 – Planning and the Historic Environment.

5.2 Adopted Core Strategy Policies

[Core Strategy \(Adopted Sept 2007\).pdf](#)

CS5 – Historic and Cultural Environments.

5.3 Adopted Development Management DPD Policies

[DMP DPD - Adoption version.pdf](#)

DP4 – Design

DP5 – Historic Environment

DP24 – Replacement Dwellings

DP28 – Amenity

DP29 – Flood Risk.

6 Assessment

6.1 This assessment considers the proposed works in two parts. Firstly the application for Conservation Area Consent which seeks consent for the demolition of the existing building and, secondly, whether the proposed replacement building is acceptable in terms of scale, form, design and with regards to impact on amenity and flood risk.

6.2 PPS5 indicates there should be a presumption in favour of protection of designated heritage assets and specifically includes Conservation Areas in the definition of Designated Heritage Assets. Conservation Areas are defined in legislation as areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. It is notable that the special character of these areas does not come from the quality of their buildings alone. The historic layout of roads, paths and boundaries; characteristic building and paving materials; a particular 'mix' of

building uses and trees which contribute to particular views are all factors which can all contribute to creating the special character of a Conservation Area.

- 6.3 In this instance the building proposed for demolition has no significant historic importance of its own (as confirmed by the consultation response from the Norfolk County Council Historic Environment Service), is not Listed and was not nominated by any party for selection on the Broads Authority Local List, a document which is in the process of being compiled prior to adoption and which all Parish Councils and local residents were invited to contribute to and comment on. The principle question in determining whether or not Conservation Area Consent should be granted is, then, the degree to which the existing building contributes to the special character of Stalham Conservation Area.
- 6.4 The Broads Landscape Character Assessment (2006) recognises the landscape value of the area surrounding the application site, noting the fine grouping of traditional buildings around the staithe. The majority of these buildings remain in boatyard or industrial use; the principle exception being the site of the Museum of the Broads. There is a degree of architectural variety within this waterside grouping and the wider Conservation Area incorporates both domestic and industrial buildings, a mixture of modern and historic properties and a mixed palette of materials.
- 6.5 Whilst falling within the Conservation Area, the building subject of this application is set back from the staithe and is accessed via a private road to the north and a private dyke to the south. The property is not visible from the public highway and is only partially visible from the main dyke leading to Stalham Staithe.
- 6.6 Whilst it is considered that the existing pair of cottages make a positive visual contribution to the character of the Conservation Area, the character of the building has been eroded by a number of unsympathetic extensions and it is clear that the building is in a poor state of repair. The applicant has submitted a structural survey which concludes that if refurbishment is to be considered the roof, first floor and ground floor would need to be raised and replaced, the windows and doors would need replacement/remodelling, the external walls would need underpinning, strengthening, repairs and damp proofing and the extensions to the north and south gable ends would require reconstruction. Clearly, the implementation of this level of work would affect the character and appearance of the building and, in the absence of Listed status, the Local Planning Authority would have a limited degree of control over such works.
- 6.7 Having regards to the variety of built form within the Conservation Area, the secluded nature of the application site and the poor condition and unsympathetic alterations made to the cottages, it is not considered their loss would have an unacceptable impact on the appearance of the Conservation Area. Whilst the existing cottages make a contribution to the area and their loss would in some respects be regrettable, it is not considered that the

cottages are so significant to the character of the Conservation Area that their demolition and replacement with a suitably designed property would be unacceptable.

- 6.8 It has been stated in letters of objection received from local residents and others that the loss of the cottages would not only impact on the appearance of the Conservation Area, but also that the demolition would represent a loss to the cultural history of the area. Local reports suggest that the cottages were used to accommodate wherry pilots and several objectors to the application for demolition have stated that, together with the (now largely demolished) mill and mill house, they form an important grouping of buildings which are part of the cultural heritage of the Conservation Area
- 6.9 Whilst it is acknowledged that these two cottages will have played a role in forming the character of the Conservation Area and stand as part of the cultural heritage of the area, Conservation Areas are not areas where no change is permitted. Rather, they are areas where new development must be of a high standard and respect the special character of the area. In this instance the Norfolk County Council Historic Environment Service have indicated that they have no objection to the demolition of the two properties subject to a condition requiring a photographic survey. Having regards to this and the fact that the cottages have no heritage designation in their own right, it is not considered that there are sufficient grounds on which Conservation Area Consent could be refused and the proposal is considered to be in accordance with both PPS5 and policy DP5 of the Development Management DPD.
- 6.10 Having concluded that, on balance, there would be no objection to the loss of the two existing cottages, consideration must be given to the proposed replacement building.
- 6.11 The proposed new cottages would be semi-detached and comprise a subdivided, two storey building. The cottages would sit partially on the footprint of the existing, but the alignment of the building would be altered to so the front and rear elevations faced north-west and south east respectively, rather than south-west and north-east as the existing cottages do.
- 6.12 The new cottages would be larger than the existing, with a footprint of approximately 205m² compared to an existing building footprint of 137m². The ridge would measure approximately 7.3m high, around 0.9m higher than the ridge of the existing building.
- 6.13 The proposed replacement building has been designed in the Arts and Crafts style; materials would be red brick and cobbled flint quoined brick work, clay plain tiles with timber windows and doors. Materials would be reclaimed from the existing dwelling wherever possible.
- 6.14 Policy DP24 permits replacement dwellings subject to the satisfaction of specific criteria relating to size, location, use and a consideration of the impacts of loss of the existing dwelling.

- 6.15 With regards to criteria 'a', in respect of scale, mass and height it is the case that the proposed replacement building would be larger than the existing in terms of footprint and with a slightly higher ridge. However, each of the proposed new cottages would be comprised of 3 connected bays, with the central bay protruding beyond the two that flank it. This staggered footprint would help break up the mass of the building, introducing light and shade to the front and rear elevations and thereby reducing the visual mass of the building. A variation in ridge line, with a dominant central ridge and lower ridges to the end bays further aids this reduction in visual mass as would the variation in materials and detailing, albeit from a select palette of materials sympathetic to the Arts and Crafts sensibility of the proposal.
- 6.16 Careful design and detailing can help reduce the visual mass of the building however it remains the case that the proposal would be larger than the existing dwellings and this is a concern raised in the objections received. Policy DP24 does allow for an increase in scale over the existing dwelling provided the revised proposal is appropriate to its setting and the landscape character of the location. In this case the application site is a substantial residential plot and it is not considered that the proposal would result in any overdevelopment of the site. With regards to respecting the surrounding landscape, the proposed replacement building would be no larger in height than a number of substantial dwellings and other buildings more substantial buildings which are visible from the staithe and it is notable that several buildings in the locality incorporate materials similar to those proposed in this application. Considering this, there is no objection to the increase in scale proposed in this application.
- 6.17 Concerns have also been raised regarding the architectural style of the proposed replacement building. Whilst the Arts and Craft style proposed does differ from the more vernacular architecture of the existing cottages (though it is notable that the original cottages have been altered over the years, with the addition of a substantial classical doorcase to the rear elevation and later extensions to each of the gable ends of the building), it is not considered that the style would be incongruous in this location. The Arts and Crafts style is found throughout the Broads and the proposal here incorporates materials and details common to the Stalham Conservation Area into the design.
- 6.18 Having regards to the above, the proposal is considered to satisfy criteria 'a' of policy DP24.
- 6.19 Considering the remaining criteria of the policy, it is the case that the proposed new dwelling would partially occupy the same building footprint as the existing dwelling. Due to an increase in size and reorientation the proposed new building would not be located entirely within the footprint of the existing building; however it is not considered that the proposed revised location would have any detrimental landscape impacts, having regards to the substantial screening of the site provided by boundary planting and neighbouring properties. With respect to flood risk, the entire site falls within

Flood Zone 3a or 3b, so whilst the proposed new cottages would offer benefits in terms of flood resilience (discussed at para 6.22), it is not possible for relocation within the site to have the effect of reducing the risk of flooding.

- 6.20 With respect to criteria 'c' and 'd' of the DP24, there is no dispute as to the lawful residential use of the two existing dwellings and the historic, architectural and cultural significance of the existing dwelling is considered above at paras 6.3 to 6.10. Consequently, it is considered that the proposal satisfies criteria a – d of policy DP24.
- 6.21 Concerns have been raised regarding the potential for the new buildings to have a detrimental impact on neighbouring occupiers' amenity. Whilst these concerns are recognised it is the case that, at 30m to the nearest neighbouring property, the new building would be no closer to any neighbouring property than the existing and having regards to this distance between the properties and the substantial intervening screening planting, it is not considered that the proposal would result in any significant detrimental impact on amenity. Accordingly, it is considered that the development would be in accordance with policy DP28.
- 6.22 In respect of flood risk, the applicants have submitted a comprehensive site specific flood risk assessment which concludes that the development would be safe and would not increase the risk of flooding elsewhere. Following negotiations with the Environment Agency the applicant has amended the design and the Agency is now satisfied that the proposed new dwellings would offer an improvement in terms of flood resilience over the existing dwellings. The Environment Agency has considered the application and have no objection to the proposal on the grounds of flood risk. The development is considered to satisfy the requirements of the Sequential Test and, consequently, is in accordance with policy DP29.
- 6.23 In response to consultation the Environment Agency raised an objection to the proposed development as the scheme proposed connection to a private treatment plant rather than the main sewer network, and provided no explanation as to why the private treatment plant was preferable to mains sewerage. To address these concerns the applicant indicated they would be happy to amend the scheme and connect to the mains sewers and explained that a private treatment plant was only proposed due to there being a history of problems with the sewerage in this locale. The Environment Agency have considered this response and have advised that Anglian Water Services (the infrastructure provider) be consulted to confirm the proposed development would not result in network capacity issues. Regrettably, this process of consultation and re-consultation has taken some time and at the time of writing, there has been no response from Anglian Water Services. Consequently, in addition to a recommendation of approval delegated authority is sought to resolve this issue of waste water treatment, with the resolution either being the Environment Agency agreeing that a private treatment plant is required or Anglian Water Services confirming that connection to the mains sewerage network would cause no capacity issues.

7 Conclusion

- 7.1 This report considers two applications for works at a residential plot at Stalham Staithe. The first application seeks Conservation Area Consent for the demolition of two cottages; the second seeks planning consent for the construction of a replacement pair of cottages.
- 7.2 The issue as to whether Conservation Area Consent should be granted for the demolition of the two cottages is contentious, and it is acknowledged that the existing cottages make a positive contribution and are a familiar feature within the Conservation Area of Stalham Staithe. However, the cottages enjoy no local or national heritage designation, are in a very poor condition and have been extended in an unsympathetic manner. Having regards to these factors, and the considering that views of the cottages from either the public highway or the water are extremely limited, it is not considered that the cottages are so significant to the character of the Conservation Area that their demolition and replacement with a suitably designed property would be unacceptable. Consequently, it is considered that the application for Conservation Area Consent is in accordance with PPS5 and policy DP5 of the adopted DMDPD and there is no objection to the granting of Conservation Area Consent for demolition of the cottages.
- 7.3 With regards to the proposed replacement cottages, it is considered that, although larger than the existing, the proposed new cottages are of a scale, mass, height, design and external appearance which is appropriate to the setting and the landscape character of the location, and the design and materials proposed are of a sufficient quality to preserve and enhance the character of the Conservation Area. It is considered that the proposed replacement dwellings would represent an improvement in terms of flood resilience and the Environment Agency has not objected to the proposal. Given this, it is considered that the application for planning consent is in accordance with Policy DP24 and there is no conflict with policies DP28 (amenity) or DP29 (development on sties with a high probability of flooding).

8 Recommendation

- 8.1 BA/2012/0021/CON - Application for Conservation Consent: Approve subject to conditions:
- Time limit.
 - Prior to demolition no development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording in accordance with a brief issued by the Historic Environment Service.
 - All demolition works hereby approved shall be carried out in accordance with section 8 of the approved Protected Species Survey.
- 8.2 BA/2012/0020/FUL – Application for erection of replacement cottages: Approve subject to the following conditions and resolution of the issue of waste water treatment (see para 6.23):

- Time limit.
- In accordance with approved plans.
- Prior to demolition no development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording in accordance with a brief issued by the Historic Environment Service.
- Prior to commencement of works details of protected species enhancements to be submitted to and approved in writing by the Local Planning Authority.
- Prior to commencement of works details of external materials including sections through joinery to be submitted to and approved in writing by the Local Planning Authority.
- Remove householder permitted development rights.
- All development carried out in accordance with revised Flood Risk Assessment.

9 Reasons for Approval

9.1 BA/2012/0021/CON - Application for Conservation Consent

It is not considered that the cottages are so significant to the character of the Conservation Area that their demolition and replacement with a suitably designed property would be unacceptable. Consequently, it is considered that the application for Conservation Area Consent is in accordance with PPS5 and policy DP5 of the adopted DM DPD and there is no objection to the granting of Conservation Area Consent for demolition of the cottages.

9.2 BA/2012/0020/FUL – Application for erection of replacement cottages

The proposed new cottages are of a scale, mass, height, design and external appearance which is appropriate to the setting and the landscape character of the location, and the design and materials proposed are of a sufficient quality to preserve and enhance the character of the Conservation Area. It is considered that the proposed replacement dwellings would represent an improvement in terms of flood resilience and the Environment Agency has not objected to the proposal. Given this, it is considered that the application for planning consent is in accordance with Policy DP24 and there is no conflict with policies DP28 (amenity) or DP29 (development on sites with a high probability of flooding).

Background Papers: BA/2012/0020/FUL & BA/2012/0021/CON

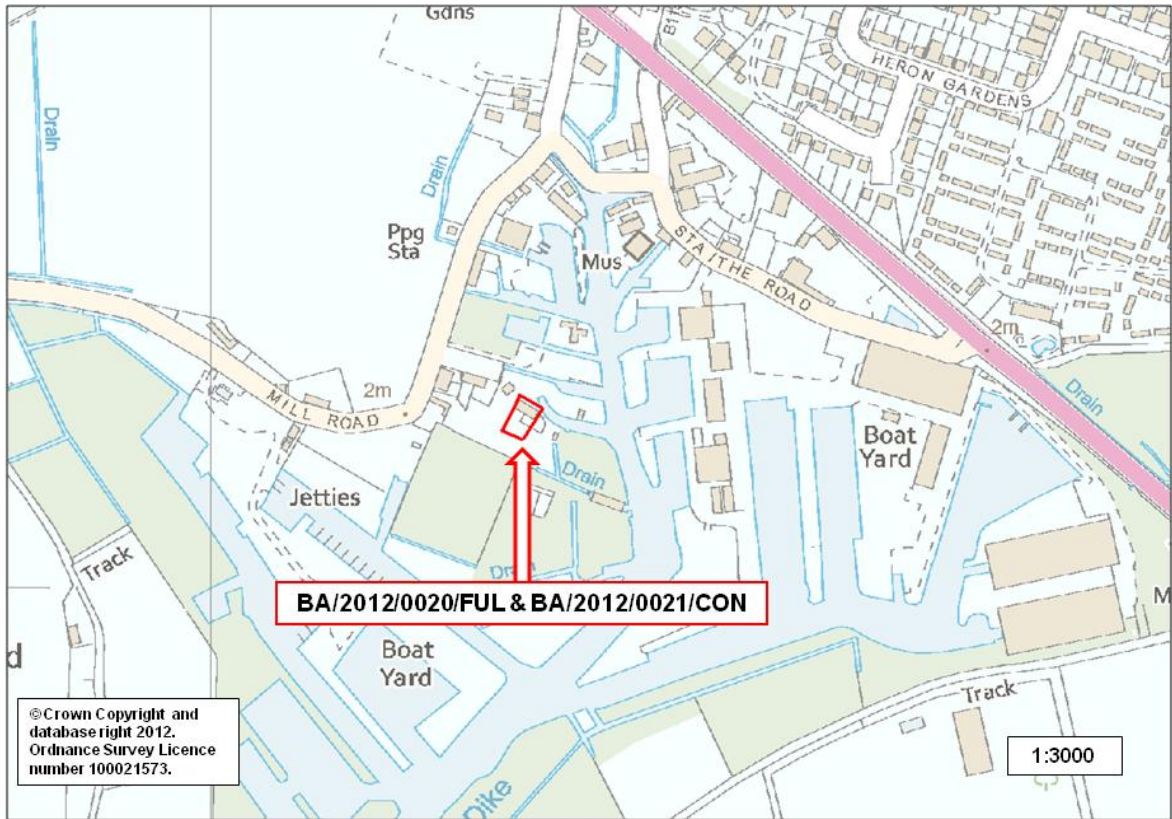
Author: Fergus Bootman

Date: 14 March 2012

Appendices: APPENDIX 1 – Location Plan

APPENDIX 1

BA/2012/0020/FUL & BA/2012/0021/CON - Utopia And Arcady, Mill Road, Stalham
Replacement of existing cottages Utopia & Arcady with 2 new cottages



PLANNING COMMITTEE

27 April 2012

Note of site visit held on Friday 20 April 2012

BA/2012/0020/FUL and BA/2012/0021/CON Utopia and Arcady, Mill Road, Stalham

Demolition of two existing cottages and replacement with two new dwellings

Applicant: Mr and Mrs Hugh Leventon

Present:

Dr J M Gray – in the Chair

Mr M Barnard	Mr A S Mallett
Mrs S Blane	Mr P Ollier
Mr C Gould	Mr R Stevens (Also Local District Member)
Dr J S Johnson	

In attendance:

Mrs S A Beckett – Administrative Officer
Mr F Bootman – Planning Officer
Mr B Hogg – Historic Environment Officer

Mr and Mrs H Leventon – the applicants
Mr M Haslam and Tim Warnes – Agents for the Applicants.
Mr K Bacon – Broads Society
Mr J Hare – Stalham Town Council
Mrs M Baker – representatives from Stalham
M and Mrs M Poole – neighbours
Mrs Sheila Cullingham – former District Council member
Mr Michael Cullingham -
Mr Robin Allard – Broads Authority Ranger

Apologies for absence were received from: Mrs J C Brociek-Coulton, Mr N Dixon, Mr G W Jermany, The Director of Planning and Strategy and the Head of Development Management.

Introduction

Members convened at the car park by the Staithe, before walking round to the site itself. The Chairman welcomed everyone to the site inspection emphasising its fact-finding nature and the need to have a thorough appreciation of the site and the issues involved. The Committee would not be making a decision at this visit but the matter would be considered in detail at the Planning Committee on 27 April 2012. The Chairman invited everyone to introduce themselves.

The Committee had come to view the proposed development in the context of the Stalham Conservation Area and character of the area as well as the Authority's development plan policies particularly Policy DP24 (Replacement Dwellings).

The Proposal

The Planning Officer introduced and gave a description of the applications which were seeking Conservation Area consent for the demolition of the two existing cottages Utopia and Arcady and planning permission for their replacement with two semi-detached Arts and Craft style cottages.

The Planning Officer outlined the context of the site. He drew attention to the access to the site, a private drive which would remain as existing, and the extent of the site which extended to the boundaries of four residential properties and included two private mooring dykes, a large boathouse, orchard area and undeveloped woodland. The plans did not propose to alter the existing garage, shed or boathouse. The Planning Officer commented that it was important to note that the application site lay within the Stalham Conservation Area.

The existing cottages dated from the late 18th early 19th century, were of brick and flint and brick rubble, with alterations including lean to extensions either side built in the middle and later 20th century. Members examined the site plans and the change in alignment of the proposed new cottages in relation to the existing, ie: north-west and south-east as opposed to south-west and north-east. Each dwelling would be split into three bays with a central ridge height of 7.3 metres, around 0.9 metres higher than the ridge height of the existing cottages (6.4 metres) and with a "step down" either side. The height to the top of the chimney would be approximately 8.9 metres, (2 metres higher than the existing ridge height). Materials from the existing cottages would be used where possible. The roof materials were proposed to be plain tiles.

Three ranging poles had been used to mark the extremities of the proposed cottages and the approximate proposed ridge height. The proposed footprint would be approximately 205 square metres, whilst the existing footprint was about 137 square metres.

Members walked around the existing cottages along one of the private mooring dykes, noting the screening of lleylandi hedge and willows along Stalham Dyke. It was noted that there were no plans to alter the screening. It was clarified that the lleylandi were managed. Members also noted the significant belt of trees along the site and the extent of the woodland area.

The Historic Environment Manager clarified that all trees within the Conservation Area were protected although the fruit trees in the orchard would not be covered. It was noted that the proposals would inevitably result in the loss of some of the fruit trees. The owner clarified that it was intended to replant the orchard as some of the trees were past their sell by date.

When viewing the cottages from within the orchard side of the cottages, members noted the culvert. It was understood that this was not an IDB drain.

The Planning Officer commented that the Flood Risk element of the application was a planning issue but the Environment Agency had no objections. They had recommended that the floor level be 1.25m a.o.d (above ordnance datum). It was noted that the floor level would be approximately 0.3m higher than the existing ground level. The floor levels and affect on the overall height would be checked.

It was noted that ground conditions and foundations were not planning issues but would be a matter for building regulations.

Members were given the opportunity to view the cottages from inside.

Members were mindful of considering the potential impact on the amenity of the neighbouring properties and walked along Mill Road viewing the property from Mill House and the corner just beyond that property, noting the extent of the Conservation Area.

On the way back to the Staithe, the Historic Environment Manager pointed out the variety of styles and buildings within the Conservation Area, noting the farm house, the Georgian cottages at the access entrance to the planning applications site, other cottages along the way and the newly built cottage just outside the Authority's area of blue clay tiles and red brick, the industrial and larger buildings on the Staithe, the boatyard, as well as the new development nearer to Stalham town.

Comments

A resident raised concern about the use of plain tiles commenting that on building their extension, insistence was made on the use of clay pantiles.

The representative from the Broads Society commented that originally flints used on the cottages in the 19th century would have been quarry flints random laid as opposed to more rounded ones sometimes seen in Norfolk.

Members and officers, together with the representative from Broads Society and the local District Council member were given the opportunity to view the site from the water. The Authority's launch took them down Stalham dyke passing the private dyke in association with Utopia and Arcady and back again.

Conclusion

The Chairman thanked everyone for attending the site inspection. The application would be considered by the Planning Committee at its meeting on 27 April 2012 and members of the public would be welcome to attend and observe the deliberations.

The Chairman declared the meeting closed at 11.30 am.