

# Planning Committee

03 December 2021

Agenda item number 7.1

## BA/2021/0233/FUL- Land to the rear of Staithe Cottages, Stalham Staithe, Stalham

Report by Planning Officer

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### Proposal

Three bedroom detached bungalow.

### Applicant

Mr John Stares

### Recommendation

Approve subject to conditions

### Reason for referral to committee

Departure from Local Plan Policies

### Application target date

11 November 2021

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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 is to the rear of the recently developed terrace of three properties, known as Staithe Cottages, approved in 2019 (BA/2019/0112/FUL). The site access runs adjacent to Staithe Cottages, with the cottages to the west, and to the east lies CT Baker Builders Merchants. Staithe Road benefits from a footpath and crossing island to the main settlement of Stalham on the opposite side of the A149 road. To the north of the application site lies a large property known as Brickhill House; access for this property runs along the west of Staithe Cottages and the application site.
- 1.2. The site is a plot of unkept land measuring approximately 38m by 13m and covers a total area of 465m<sup>2</sup>. The application land is located in-between the recently built Staithe Cottages and Brickhill House. The current boundary treatment of the application site to the south, east and north is a timber fence and to the west is a hedge.
- 1.3. 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.
- 1.4. Other areas of the village are characterised by more intensive 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.
- 1.5. 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.
- 1.6. This application seeks consent to build a three-bedroom detached bungalow on the land to the rear of the new terrace properties known as Staithe Cottages. The access to the proposed bungalow would be the same vehicular access used by Staithe Cottages. A driveway runs adjacent to the cottages to an open area to the rear with 6 existing parking spaces; the proposed parking for the bungalow would be within the application site.
- 1.7. The proposed bungalow is contemporary in design and is split into three distinct sections. The middle section has the entrance foyer, bathroom, and en suite serving bedroom 1, the western flank has bedrooms 1 and 2, and the eastern flank contains an open plan kitchen, dining room, and lounge and bedroom 3.
- 1.8. The south elevation is the principle elevation with the entrance door in the middle section, and two narrow full height windows either side and to the left of the door is a three pane window. The use of uneven mono-pitch roofs gives the building a modern

appearance. Looking at the south elevation, to the left-hand side (west flank) is the mono-pitch roof covering the two bedrooms, this features full height glazing in the middle of the western flank serving bedroom 2. The western elevation features three full height windows serving bedroom 1. The full north elevation of the proposed building is relatively featureless, two small windows placed high up are proposed to serve the en suite and bathroom; another small window placed high would serve the kitchen further along the north elevation. The eastern flank features the larger of the two mono-pitch roofs and, at the low eaves height, occupying half of the width of the east elevation is a small extended area featuring a pitch gable roof and three bi-fold doors. On the right-hand side of the east elevation under the eaves of the mono-pitch roof is a three pane window centrally placed.

- 1.9. The building dimensions are: 18m wide on the south elevation, 16m wide on the north elevation, 7m wide on the west elevation, and 9m wide on the east elevation. The larger mono-pitch roof has a ridge height of 4.6m and the lower mono-pitch roof has a ridge height of 4.1m; the eaves throughout the building are 2.3m. The centre ridge of the gable end is 3.3m. The proposed building would have an internal gross internal floor area of 112m<sup>2</sup>.

## **2. Site history**

- 2.1. BA/2019/0112/FUL - Erection of 3 terraced houses and associated parking & storage – Approved with condition.
- 2.2. BA/2018/0417/FUL - 4 new dwellings: 3 terraced houses and detached bungalow – Withdrawn – Please see the ‘Other Issues’ section of this report for a breakdown of this withdrawn application and the implications this has on this planning application.

## **3. Consultations received**

### **Parish Council**

- 3.1. No comment.

### **Arboricultural Officer**

- 3.2. No objection – Trees to be removed are not worthy of retention and should be replaced by one appropriate domestic specimen located at the extreme east of the garden. Tree protection measures for the retained Holly are appropriate and should be fully complied with.

### **Norfolk County Council (NCC) Highways**

- 3.3. No objection - subject to a condition requiring access, on-site parking and turning area to be laid out, demarcated, levelled, surfaced and drained prior to first occupation/use.

### **NNDC – Housing Strategy and Delivery Manager**

- 3.4. No comment - I can confirm that for a single dwelling the NNDC planning policies on size of property and tenure etc. do not apply.

## **BA Ecology**

- 3.5. No objection - subject to development being in accordance with the Arboriculture Impact Assessment and Ecology Report. Replacement native tree planting scheme to be submitted as part of the development.

## **BA Historic Environment Manager**

- 3.6. No objection - The contemporary design contrasts with surrounding development but given the stand-alone nature of the property, the enclosed nature of the site and the variety of building types in this area I do not have an objection to this approach.

## **4. Representations**

- 4.1. No representations have been received.

## **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:
- DM2 - Water quality and foul drainage
  - DM4 - Water efficiency
  - DM6 - Surface water run-off
  - DM9 - Climate-smart checklist
  - DM11 - Heritage Assets
  - DM13 - Natural Environment
  - DM14 - Energy demand and performance
  - DM21 - Amenity
  - DM23 - Transport, highways and access
  - DM35 - Residential development within defined Development Boundaries
  - DM43 - Design

## **6. Assessment**

- 6.1. This planning application seeks consent to build a three bedroom detached bungalow. The issues that need to be taken into consideration are: the principle of the development; design and the impact on the historic environment; amenity; the impact on the natural environment and trees. Further issues that will be assessed include the impact on highways, water efficiency and foul drainage, surface water run-off, and energy performance. The 'Other Issues' section of this report will address the matter of the earlier withdrawn application (2018) and the differences between the schemes.

### **Principle of development**

- 6.2. At the heart of the NPPF and the 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. 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 material considerations that indicate otherwise. This proposal is, in principle, contrary to Policy DM35 of the Local Plan for the Broads because the site is situated outside of a defined development boundary. The objectives of that policy are to consolidate development within existing built up communities where there is a clearly defined settlement, there are existing facilities for day to day living and where additional development would not be incongruous or intrusive. Whilst there is a clear policy presumption against the development in principle, it should be considered what the impacts of allowing this specific proposal would be on those objectives, whether the proposal is otherwise acceptable and what material considerations may weigh in its favour.
- 6.4. 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 for residential development 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. 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. The score reflected the ability to easily access a range of facilities within Stalham itself, which relied on the ability to cross the A149 using the pedestrian refuge and meant that Stalham Staithe could be considered to be a sustainable settlement. Concerns were, however, raised about the potential impact that residential development might have on the character and appearance of the Conservation Area so the development boundary was not taken forward.
- 6.5. While the proposed development is in principle contrary to Local Plan for the Broads Policy DM35 (Residential Development within defined Development Boundaries), the objectives of the 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.

#### **Design and impact upon the Conservation Area**

- 6.6. A modern and relatively minimalist approach has been taken towards the proposed design of the three bedroom bungalow. The bungalow would be squat in appearance, with the highest point reaching just shy of 4.6m and the eaves around the building only

2.3m above ground level. The design incorporates modern yet high quality materials, such as: aluminium windows, zinc seam roofing, vertical cedar cladding on the south elevation, and K render on the remaining elevations. The proposed materials are considered to be appropriate.

- 6.7. The Authority's Historic Environment Manager notes that the contemporary design contrasts with the surrounding development. The contrast is however, considered to be appropriate given the enclosed nature of the site and the screening from public vantage points, the low-form of development proposed, and the variety of building types in the area. The proposed design is considered acceptable and in accordance with Policy DM43 (Design).
- 6.8. Stalham Staithe is a small settlement and is informally sited around the historic staithe which is bordered by a number of boatyards in a network of inlets and mooring basins. There are large scale boatyard buildings adjacent to the Conservation Area boundary and these contrast with the generally domestic scale buildings in the historic settlement.
- 6.9. The site is located within the Stalham Staithe Conservation Area. The adjacent builders' yard C.T. Bakers Ltd is also within the Conservation Area, along with the newly built Staithe Cottages. The new residential development has been designed to mimic the appearance and character of other terraced developments within the Conservation Area, such as Cordova Cottages, neighbouring red brick late 19<sup>th</sup> century dwellings. Whilst the design approach to the proposed bungalow is contemporary, which would contrast with the surrounding historic vernacular, it is considered that the low form of the development and the enclosed nature of the site, coupled with the high quality design and use of materials, would not have an unacceptable impact on the historic environment. On balance, it is considered the proposed development would preserve the special qualities of the Conservation Area, in accordance with Policy DM11 of the Local Plan for the Broads.

### Amenity

- 6.10. When considering amenity there are two main aspects to look at: the level of amenity that the proposed development would provide to the future occupants of the bungalow and whether this is satisfactory, and then there is the impact the proposed development would have on existing and/or future neighbouring properties' amenity.
- 6.11. There are residential properties to the north and south of this site. To the north, the two storey dwelling house (Brickhill House) is located 7.5m from the site boundary whilst to the south lie Staithe Cottages at 17m and to the east is the builders' yard. To the west of the application site is a private driveway and beyond that the land is open and undeveloped. The site is large enough with adequate access to provide an acceptable level of external amenity. With a separation distance between the properties of 8.5m, it is the case that the property to the north would, to some extent, overlook the proposed bungalow, however the view would be of a blank rear wall with small high level windows which provide light to bathrooms and the kitchen, rather than

principal habitable rooms. It is not considered that the minimal amount of overlooking would have an unacceptable impact on the amenity of the occupiers of the proposed bungalow. The builders' yard to the east of the site has the potential to cause disturbance due to noise levels as the yard is used for the storage of building materials. The surrounding character to the builder yard is residential. The builder's merchants are closed on Sunday and operate from 7.30am to 5pm. Therefore, it is not considered that the activity from the builders' yard would have an unacceptable impact on the amenity of the proposed bungalow.

- 6.12. There are two main neighbouring properties that need to be considered in terms of amenity. Firstly, the three newly built Staithe Cottages to the south of the proposed development site, which would share a driveway with the proposed bungalow. The bungalow would have two parking spaces provided within the boundary, in the north-west corner of the site. The impacts of the bungalow's residents using the existing shared driveway are not considered to be severe and would not have a significantly detrimental impact on the amenity of the occupiers of Staithe Cottages. The proposed 'squat' bungalow would not create any overlooking or overshadowing that could have a detrimental impact on the amenity of those in Staithe Cottages.
- 6.13. The second neighbouring property to be considered is Brickhill House, which lies to the north of the application site. The property enjoys a private driveway which runs west of Staithe Cottages and the application site. The south facing wall of Brickhill House is 7.5m from the boundary with the application site and would be 8.5m from the northern wall of the proposed bungalow. While the proposed building would be within a closer proximity to Brickhill House than Staithe Cottages, the single storey design means the proposed bungalow would not create any overlooking. As the neighbouring property lies to the north a small increase of shadow above the existing fence line would be created, the overshadowing is not considered to extend toward a window of the property and would therefore not block light into the property.
- 6.14. The proposed development would provide a satisfactory level of amenity for the future occupiers and it is not considered to have a detrimental impact on the current levels of amenity enjoyed by its neighbouring residential properties. The proposed development is therefore considered in accordance with Policy DM21.

### **Natural environment and trees**

- 6.15. An ecological appraisal of the site was conducted and a report was produced to support the proposed development. The report concludes that the proposed development would have no likely significant effects on nearby designated sites, such as the Broads SAC, SPA or Ramsar. The Authority's Ecologist raised no objection to the proposed development following the submission of the report; the mitigation and enhancements proposed in the report have been recommended to be conditioned as part of the planning approval process.
- 6.16. The proposed development would result in the loss of 4 low quality trees on the middle and eastern part of the site. Hedge planting, at 2m in height, is proposed along the

south eastern and eastern border of the site and this is welcome. On the western part of the site is a Holly and this would be retained. The Arboricultural Officer consulted on the application is content with the Arboricultural report submitted and tree protection plan set out in the application. A request has been made to the agent for details of replacement tree planting for two of the trees on the eastern part of the site and while details of the species of trees have been provided, no plans as yet have been submitted showing the proposed replacement trees.

- 6.17. The proposed development, subject to the mitigation and enhancement conditions, is not considered to have a detrimental impact on the natural environment. The loss of low quality trees and the protection of the Holly, subject to the replanting of two trees on the eastern part of the site is considered acceptable. Therefore, it is considered that the proposed development is acceptable in terms of Policy DM13.

#### **Transport, highways and access**

- 6.18. The proposed bungalow would provide parking provision for two vehicles and would use the existing access that has recently been built to serve Staithe Cottages. The Highway Authority has raised no objection to the additional use of the access or to the impact the proposed development would have on the local highway network. The proposed development is in accordance with Policy DM23.

#### **Water efficiency and foul drainage**

- 6.19. The proposed development would be designed to have a water demand of 110 litres per head per day in accordance with Policy DM4 and, the foul drainage for the dwelling would be connected to the mains sewerage in accordance with Policy DM2.

#### **Surface water run-off**

- 6.20. Considering the additional surface water run-off that would be produced by the proposed development, the application includes the installation of a grey water tank in the garden and a holding tank to collect surface water from the building. This is considered to be an appropriate attenuation method of collecting the surface water run-off as it would store the water for later use. The proposal is in accordance with Policy DM6.

#### **Energy performance**

- 6.21. An Energy Statement has been submitted to support the application and this sets out how the building has been designed to reduce the energy required for its use. The Statement highlights the measures that will be taken and the sections in the Statement make reference to the building materials, building design, heating methods (air source heat pump proposed), energy creation (solar panels proposed on suitable roofs), rain/grey water capture, and air tightness. The development would take a 'fabric first' approach to reduce overall energy demand, and would maximise the use of energy efficiency and conservation methods in accordance with Policy DM14.

## Other issues

- 6.22. An application was submitted in 2018 (BA/2018/0417/FUL) for the development of 4 new dwellings: 3 terraced houses and a detached bungalow. The detached bungalow in the 2018 application was on the same plot of land that this report is now considering. The application was withdrawn following concerns raised relating to the bungalow element of the development around lack of amenity for the bungalow, poor design and the impact upon the Conservation Area. A subsequent application for the 3 terrace houses only was submitted and this was approved in 2019 (BA/2019/0112/FUL).
- 6.23. Whilst remaining mindful of the reasons the bungalow was resisted in the 2018 application, this planning application needs to be considered on its merits and, in doing this, it is necessary to look at differences between the two proposals.
- 6.24. The Gross Internal floor Area (GIA) for the 2018 bungalow was 81m<sup>2</sup> and the GIA for this bungalow is 112m<sup>2</sup>, this therefore is a larger dwelling and provides a higher level of internal amenity. It is noted that this necessarily results in a smaller outside space, however this is still considered adequate. A different approach has been taken to the design in this application. The previous design was larger in height, at 6.7m to the ridge compared to 4.6m currently proposed and it was considered to be lacking in character, due to the simple gable ended design. The proposed bungalow utilises a modern approach, resulting in a more attractive building. The proposed design would create a more interesting roof arrangement when viewed from Staithe Road and the design is considered acceptable and would preserve the character of the Conservation Area.
- 6.25. The previous scheme was considered unacceptable on three grounds: amenity, design, and impact on the Conservation Area. The design put forward in this application would provide the occupants with a satisfactory level of amenity, is a more attractive design and does not have an adverse impact on the Conservation Area. It is therefore considered the applicant has overcome the concerns previously raised in the 2018 application.

## 7. Conclusion

- 7.1. Whilst outside of a defined development boundary and therefore a departure from Local Plan policies, the proposed development is considered to be within a sustainable settlement/location for residential development. The central refuge island that allows pedestrians to cross the A149 and access the town of Stalham from Staithe Road means it is only a short walk into the centre of Stalham. It can therefore be concluded that 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 a high quality modern design utilising sustainable building practices that would result in an energy efficient building.
- 7.2. 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. That planning permission be granted subject to the following conditions:
- i. Standard time limit
  - ii. In accordance with approved plans
  - iii. Details of soft landscaping
  - iv. Works in accordance with the Arboricultural assessment
  - v. Soft felling of any tree branches with bat roost potential
  - vi. Vehicular and pedestrian access, parking/turning area shall be laid out, demarcated, levelled, surfaced and drained
  - vii. Ecological condition for works outside the breeding bird season
  - viii. Ecology mitigation and enhancement set out in ecology report
  - ix. Remove permitted development rights, Part 1 - Development within the curtilage of a dwelling house

## 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 Policies DM2, DM4, DM6, DM9, DM11, DM13, DM14, DM21, DM23, and DM43 of the Local Plan for the Broads (2019). 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 to preserve the character and appearance of the Conservation Area.

Author: Calum Pollock

Date of report: 23 November 2021

Background papers: BA/2019/0112/FUL & BA/2018/0417/FUL

Appendix 1 – Location map

