

Development Committee



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TO REGISTER TO SPEAK PLEASE CALL 01263 516150

30 October 2019

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices, Holt Road, Cromer, NR27 9EN** on **Thursday, 7 November 2019** at **9.30 am**.

Coffee will be available for Members at 9.00am and 11.00am when there will be a short break in the meeting. A break of at least 30 minutes will be taken at 1.00pm if the meeting is still in session.

Any site inspections will take place on 28 November 2019.

PUBLIC SPEAKING – REGISTRATION IS STRICTLY BY TELEPHONE ONLY

Members of the public who wish to speak on applications must register **by 9 am on Tuesday 5 November 2019** by telephoning **Customer Services on 01263 516150**. We do not accept requests by email or on any other number. Please read the information on the procedure for public speaking on our website [here](#) or request a copy of "Have Your Say" from Customer Services.

Anyone may take photographs, film or audio-record the proceedings and report on the meeting. You must inform the Chairman if you wish to do so and must not disrupt the meeting. If you are a member of the public and you wish to speak, please be aware that you may be filmed or photographed.

Emma Denny
Democratic Services Manager

To: Mrs P Grove-Jones, Mr P Heinrich, Mr D Baker, Mr A Brown, Mr P Fisher, Mrs A Fitch-Tillett, Mrs W Fredericks, Mr R Kershaw, Mr N Lloyd, Mr G Mancini-Boyle, Mr N Pearce, Dr C Stockton, Mr A Varley and Mr A Yiasimi

Substitutes: Mr T Adams, Dr P Bütikofer, Mrs S Bütikofer, Mr N Housden, Mr J Punchard, Mr J Rest, Mrs E Spagnola, Mr J Toye and Ms K Ward

All other Members of the Council for information.

Members of the Management Team, appropriate Officers, Press and Public



**If you have any special requirements in order
to attend this meeting, please let us know in advance**

If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

Heads of Paid Service: Nick Baker and Steve Blatch
Tel 01263 513811 Fax 01263 515042 Minicom 01263 516005
Email districtcouncil@north-norfolk.gov.uk Web site www.north-norfolk.gov.uk

AGENDA

PLEASE NOTE: THE ORDER OF BUSINESS MAY BE CHANGED AT THE DISCRETION OF THE CHAIRMAN

PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS
2. TO RECEIVE APOLOGIES FOR ABSENCE AND DETAILS OF ANY SUBSTITUTE MEMBER(S)
3. MINUTES

To approve as a correct record the Minutes of a meeting of the Committee held on 10 October 2019.

4. ITEMS OF URGENT BUSINESS
 - (a) To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.
 - (b) To consider any objections received to applications which the Head of Planning was authorised to determine at a previous meeting.

5. ORDER OF BUSINESS
 - (a) To consider any requests to defer determination of an application included in this agenda, so as to save any unnecessary waiting by members of the public attending for such applications.
 - (b) To determine the order of business for the meeting.

6. DECLARATIONS OF INTEREST

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest.

OFFICERS' REPORTS

ITEMS FOR DECISION

PLANNING APPLICATIONS

7. FAKENHAM - PF/19/1421 - CHANGE OF USE FROM DWELLING (CLASS C3) TO MIXED USE (DWELLING & HAIR AND BEAUTY SALON); TREE TOPS, HEATH LANE, FAKENHAM, NR21 8LN FOR MRS PAWLEY (Pages 1 - 6)

8. LUDHAM - PF/19/1499 - SINGLE STOREY EXTENSION FOLLOWING DEMOLITION OF CONSERVATORY; 20 BROAD REACHES, LUDHAM, GREAT YARMOUTH, NR29 5PD FOR MR AND MRS BLATHWAYT (Pages 7 - 10)
9. RUNTON - PF/19/1472 - PROPOSED SINGLE STOREY REAR EXTENSION; THE OLD MILL STUDIO, MILL LANE, EAST RUNTON, CROMER, NR27 9PH FOR MRS PITCHER (Pages 11 - 14)
10. SUSTEAD - PF/19/0603 - CHANGE OF USE OF A FORMER SCAFFOLD YARD TO A SELF-STORAGE FACILITY (B8 STORAGE) INCLUDING INSTALLATION OF STORAGE CONTAINERS & OFFICE/WELFARE UNIT AND LAYING OUT OF STORAGE COMPOUNDS; WHEELWRIGHTS, THE STREET, SUSTEAD, NORWICH, NR11 8RU FOR WILD BOAR PROPERTIES LTD (Pages 15 - 24)
11. TRUNCH - PF/19/0962 - RETENTION OF LAND FOR PRIVATE RECREATIONAL USE, RETENTION OF SUMMERHOUSE; RETENTION OF SHED; RETENTION OF ELECTRICITY METER CABINET AND MAINS WATER STOP-COCK CABINET; RETENTION OF PEDESTRIAN ACCESS GATE; RETENTION OF VEHICULAR ENTRANCE AND GATE; LAND OPPOSITE SCHOOL COTTAGE, BACK STREET, TRUNCH FOR MR AMIS (Pages 25 - 28)
12. WIVETON - PF/19/0856 - RETENTION OF AN ELECTRONIC COMMUNICATIONS BASE STATION WITHOUT REMOVING THE EXISTING 12.5M HIGH MONOPOLE MAST AND ATTACHED TRANSMISSION DISH (AS REQUIRED BY CONDITION 5 OF PRIOR APPROVAL REF. NO. PA/17/0681); TELEPHONE EXCHANGE, HALL LANE, WIVETON FOR ARQIVA LIMITED (Pages 29 - 40)
13. APPLICATIONS RECOMMENDED FOR A SITE INSPECTION (Pages 41 - 42)
14. APPEALS SECTION (Pages 43 - 44)
- (a) New Appeals
- (b) Inquiries and Hearings – Progress
- (c) Written Representations Appeals – In Hand
- (d) Appeal Decisions
- (e) Court Cases – Progress and Results
15. ANY OTHER URGENT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE
16. EXCLUSION OF PRESS AND PUBLIC

To pass the following resolution, if necessary:-

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A (as amended) to the Act.”

PRIVATE BUSINESS

17. ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE
18. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA

FAKENHAM - PF/19/1421 - Change of use from dwelling (Class C3) to mixed use (dwelling & hair and beauty salon); Tree Tops, Heath Lane, Fakenham, NR21 8LN for Mrs Pawley

- Target Date: 01 November 2019

Case Officer: Chris Neal
Full Planning Permission

CONSTRAINTS

- Landscape Character Area
- SFRA - Areas Susceptible to Groundwater Flooding
- LDF Tourism Asset Zone
- LDF - Settlement Boundary
- LDF - Residential Area

RELEVANT PLANNING HISTORY

PF/18/2005 HOU

Tree Tops, Heath Lane, Fakenham, NR21 8LN

Single storey extension with conversion of garage to form habitable space; replacement of flat roof with pitched roof

Approved 10/01/2019

THE APPLICATION

The application seeks to change the use of part of the property to allow a mix of residential (Class C3) and hair and beauty use (not use class). It relates to a single room built recently as an extension to the main dwelling, with its own access through an external door, with windows at both ends and roof lights all of which open for ventilation. It is currently connected to one of the bedrooms of the dwelling and it is the intention that this connection would remain and a separate unit would not be created. The room is currently used for purposes ancillary to the main dwelling as a hobby room with related domestic items being stored in it.

The hours of opening for the salon are not specified, but it would operate on part time hours, fluctuating with demand, but always on an appointment basis. The applicant will be the only person working from the property, with no additional employees. There are no intentions for any external alterations that would give an appearance of a business use at the site.

REASONS FOR REFERRAL TO COMMITTEE

Cllr Rest has asked for a committee decision due to concerns raised regarding the road and access.

PARISH/TOWN COUNCIL

Fakenham Town Council: have no objections or comments

REPRESENTATIONS

Two objections have been received raising the following concerns:

- Residential amenity and the impact of a busy salon business
- The unadopted road would be subject to increased traffic and therefore increased damage

- Access is dangerous to reverse out of
- Fakenham town centre has many empty salons/more suitable units
- Other non-planning concerns have been raised relating to the historical upkeep of Heath Lane and the intentions of the applicant relating to an earlier planning consent and actions, non of which are relevant to determining this application.

CONSULTATIONS

Environmental Health - No objection. Request a condition relating to ventilation and a note relating to commercial/trade waste.

County Council (Highway) - No objection but advises Heath Lane is unadopted and is a Restricted Byway (Fakenham RB3), so some other restrictions may therefore apply outside the scope of planning.

HUMAN RIGHTS IMPLICATIONS

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

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

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS1: Spatial Strategy

SS3: Housing

SS8: Fakenham

EN4: Design

EN13: Pollution and Hazard Prevention and Minimisation

CT5: Transport Impact of New Development

CT6: Parking Provision

MAIN ISSUES FOR CONSIDERATION

- Principle of development
- Amenity Impact
- Highway Impact

APPRAISAL

The property known as Tree Tops is a detached, single storey dwelling sited back from the road to the rear (west) of the adjacent dwellings - Woodland and Evermore. It has a long private driveway off Heath Lane running adjacent to the side boundary to Woodland, and a double garage with good screening to all sides and a small amenity space to the principal elevation of the property between the dwelling and the driveway. To the rear of the site are dwellings on Bracken Close.

Principle of Development:

A business can be operated from a residential dwelling without it constituting a material change of use requiring planning permission. Each case is assessed on its individual circumstances and it is a matter of fact and degree as to whether a material change of use occurs and if planning permission is required. It is often the case that small scale businesses such as is proposed, operated by the home owner on a part time basis, do not automatically require permission. An application has however been volunteered in this instance.

Fakenham is designated a Principal Settlement with a Large Town Centre. It is therefore suitable for economic growth through the encouragement of local businesses. The site is within a designated residential area where Policy SS3 indicates compatible non-residential development including small-scale business will be permitted. The proposal is therefore considered to be acceptable in principle and in compliance with policy SS 3

Comments regarding the availability of empty salons in the town centre and locality need to be weighed against the fact that not everybody wishes to work full-time. Working part-time but paying full time rent and rates is not always economically viable for somebody self-employed. Hence the increasing trend towards small scale, part time working from home.

Working from home is sustainable in cases such as this. There is not any exceptional need in economic terms or availability terms, just convenience. The next alternative to having clients visit the properties would be to work on mobile basis, requiring, an equal number, if not more vehicle movements, and likely a larger vehicle to accommodate carrying of equipment and materials with potentially more disturbance from daily loading and unloading. It is unlikely that renting a commercial unit for occasional or part time use would be a viable option.

Often with this type of business appointments can fall marginally outside of typical work hours. Arguments therefore over passing trade being lost and empty units in the town centre are not wholly relevant. Many other shops in Fakenham would be closed when people who work full-time come in for treatments.

Amenity impacts:

The comings and goings of customers and associated noise from vehicles using the driveway to the property, has the potential to result in noise disturbance affecting the living conditions of the occupiers of nearby dwellings. The proposed use would however, be small scale with only one person working part time on an appointment only basis, which would limit its intensity and therefore customer activity. The applicant suggests there would be on average 20 clients a week. There would be no other employees and this could be conditioned. The description of the application, whilst accurate, has perhaps given rise to some concerns over the size/scale of the proposed business use. There is no proposal to open a full-scale hair and beauty salon in part of a domestic property, instead it is someone offering treatments at home in a dedicated area for convenience and financial reasons given the part time occasional nature of the use. A condition could be used to ensure the salon use is restricted to the room concerned. The size of the area proposed to be used also does not lend itself to having large groups of customers at any one time.

The applicant would keep records of all appointments for their own business purposes, but it would be possible and reasonable to ask that such a diary be made available for inspection by the Local Authority if required in relation to any future complaints that may be made.

The proposal would not have any increased impact on privacy or overlooking as it does not involve any alterations to the building or existing outdoor space within the site. Likewise there

would be no change to visual amenity as no external alterations are proposed.

Using the correct procedures there should be no odour from working or from any waste and similarly no noise above what could be expected at a residential property. Waste disposal, storage of products and licensable activities such as music are all controlled under other, non-planning legislation.

It is therefore considered that the proposed use would not result in unacceptable harm to the amenities of the occupiers of adjacent dwellings and as such complies with policies EN 4 and EN 13.

Highways & Parking:

It is anticipated some clients will live within walking distance, others have the option of getting a bus to a nearby stop. The nearest bus stops on Norwich Road are only around 0.2 miles from the property. A 3 to 4 minute journey on foot.

There is ample off street parking to serve the dwelling and the one/two vehicles at a time that would be generated by the salon use on occasions when there are appointments. This would however, be unlikely to be continuous throughout the day and evening. There is also additional scope to create additional parking without the requirement for planning permission.

The nature of the business is such that there would be no reliance on passing trade, with business by appointment only. This means parking provision can be suitably made based on the maximum number of customers expected at one time. It would usually be one customer at the time of their appointment and one additional customer if they arrive slightly early for their appointment or if there are any unforeseen delays. This should mean the vast majority of the time there should be a maximum of two customer vehicles at any one time, but usually only one. The driveway is however, capable of supporting additional vehicles all off-street.

The use of Heath Lane would be likely to be less than if the applicant were to travel to and from work repeatedly throughout the day for occasional appointments or to do the treatments on a mobile basis. In any instance it would be one journey to and from for every client be this the occupier making the journeys to another premises or the clients themselves visiting this site. Regardless of business location there would be vehicle movements associated with it.

Customers wherever possible will be encouraged, by the applicants to walk, use public transport (nearby bus stops) or be dropped off at the end of Heath Lane by family, friends or taxis to try and lower any pressure on the road.

In terms of reversing, the Case Officer visited the property on two occasions and found no problem reversing, the visibility is ample and the sweep into and out of the driveway, even with the obstructions placed on the grassed area, is sufficient for above average size domestic vehicles. It is also noted that the Highway Authority have not raised any highway safety concerns.

Concerns have been raised over the condition of Heath Lane but this section of road is unadopted. There is no evidence to suggest that the relatively small number of additional movements that the proposal would generate would result in increased damage to it. Furthermore, as the road is unadopted, matters relating to its on-going condition and need for repairs are a civil matter for the respective owners of it to deal with.

The proposal is considered to be acceptable in terms of policies CT 5 and CT 6 for the reasons stated.

Other considerations

In response to comments from the Environmental Health officer, Information has been provided by the applicant confirming knowledge and intended compliance with legislation concerning the storage and use of chemicals etc used in beauty salons, health and safety and commercial waste disposal.

CONCLUSION

Small scale businesses can often operate from home without planning permission and therefore without any control in terms of planning. With the anticipated level of clients, the proposed use is only marginally over what the owners could do without a material change of use having occurred.

Potential amenity issues would be limited by the scale of the business use being combined with the residential use. There are unlikely to be times when both social events and business events occur at the same time as the applicant can not do both. The aim is for the applicant to balance work and personal life and not to have work overtake life or the family home completely. Subject to appropriate conditions the planning system could help facilitate this and manage the impacts for all parties.

RECOMMENDATION:

Approval subject to conditions relating to the following matters and any others considered necessary by the Head of Planning:

- Commencement of development within three years
- To be carried out in accordance with the approved plans
- Business use to be connected solely to the applicant and the main dwelling
- No other employees to be based at the property
- a diary of appointments to kept and made available if required .
- Restrict the business to the use applied for
- Ventilation equipment

Final wording of conditions to be delegated to the Head of Planning

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**LUDHAM - PF/19/1499 - Single storey extension following demolition of conservatory;
20 Broad Reaches, Ludham, Great Yarmouth, NR29 5PD for Mr and Mrs Blathway**

Target Date: 29 November 2019

Case Officer: Mr R Arguile
Householder Application

CONSTRAINTS

Landscape Character Area
LDF - Residential Area
LDF - Settlement Boundary
SRFA - Dry Island

RELEVANT PLANNING HISTORY

PLA/19900867 PF
20 Broad Reaches, Ludham, Great Yarmouth
SUN LOUNGE EXTENSION
Approved 24/07/1990

THE APPLICATION

The application is for the erection of a single storey rear extension following the demolition of the existing extension which was approved in 1990 (application ref. no PF/90/0867). The proposed extension is of a more contemporary design. Its footprint would be approximately 6 sq.m larger than the existing.

The dwelling is a link detached property at the end of the Broad Reaches. Its garage adjoins that attached to 19 Broad Reaches to the northwest and to the south is No. 21 Broad Reaches a detached dwelling. There is farmland to the rear.

REASONS FOR REFERRAL TO COMMITTEE

The applicant is a Member of North Norfolk District Council

PARISH/TOWN COUNCIL

Ludham Parish Council: no comments supplied.

REPRESENTATIONS

None received.

CONSULTATIONS

Environment Agency - No response received.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to
Article 8: The Right to respect for private and family life.
Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

National Planning Policy Framework (February 2019):

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 12 - Achieving well-designed places

North Norfolk Core Strategy (September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 3 - Housing

EN 4 - Design

MAIN ISSUES FOR CONSIDERATION

- Principle
- Design
- Amenity

APPRAISAL

Principle: Policies SS 1 and SS 3

The property is located within the settlement boundary of Ludham, designated as a 'Service Village' under policy SS 1 of the North Norfolk Core Strategy. It is also within a designated residential area where policy SS 3 allows for appropriate residential development. The development as proposed is considered acceptable in principle and in terms of policies SS 1 and SS 3, subject to compliance with other relevant Core Strategy policies.

Effect on the character and appearance of the dwelling and surrounding area: Policy EN 4

The proposed extension would replace the existing conservatory and would similarly be used as a garden room.. The extension would have a flat roof design, the rear elevation would have 3 large fully glazed sliding doors with glazing to the side elevation. The fascia would be timber clad and the new and existing brickwork rendered, giving an overall contemporary appearance. It is considered the proposed extension would assimilate well with the original dwelling and would have no material effect on the surrounding area. The proposal is complies with policy EN 4 in this respect.

Amenity: Policy EN 4

The proposed extension would be slightly larger than that it would replace, but its overall height would be lower. This, in combination with its separation from the neighbouring properties, would be such that the proposal would not result in any detrimental effect on the amenity of their occupiers. The proposal therefore complies with Policy EN 4 in this regard.

RECOMMENDATION: approve, subject to conditions relating to the following matters, and any others considered necessary by the Head of Planning:

- Time limit
- Approved plans
- Materials as submitted

Final wording of conditions to be delegated to the Head of Planning

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RUNTON - PF/19/1472 - Proposed single storey rear extension; The Old Mill Studio, Mill Lane, East Runton, Cromer, NR27 9PH for Mrs Pitcher

- Target Date: 29 October 2019

Case Officer: Mrs L Starling

Householder application

CONSTRAINTS

LDF - Countryside

HO 9 - Rural Residential Conversion Area

Unclassified Road

Article 4 Direction

SFRA - Areas Susceptible to Groundwater Flooding

Landscape Character Area

LDF Tourism Asset Zone

Undeveloped Coast

RELEVANT PLANNING HISTORY

PF/19/0342 HOU - The Old Mill Studio, Mill Lane, East Runton, Cromer, NR27 9PH - Single-storey extension to side and rear to provide annexe - Withdrawn by Applicant 29/04/2019

PF/18/1770 HOU - The Old Mill Studio, Mill Lane, East Runton, Cromer, NR27 9PH - Erection of two detached single storey outbuildings (part retrospective) - Approved 05/12/2018

PLA/19921417 PF - The Studio, East Runton Mill, Mill Lane, East Runton - Conservatory extension - Approved 11/11/1992

PLA/19890949 - Conversion and extension of existing barn - The Old Mill Studio - Approved 09/08/1989

THE APPLICATION

This application is for the construction of a single storey extension to the side/rear of the dwelling.

The extension would be constructed in red brick with a flat felt covered roof with 4 roof lanterns. It would measure approximately 10 metres by 3.5 metres with a height of 2.7 metres (excluding the roof lanterns) and would provide an accessible bedroom and shower room linked to the main for applicant's terminally ill son, who has been diagnosed in April 2019 with a rare brain tumour known as DIPG (Diffuse Intrinsic Pontine Glioma), who will need increasing levels of care as the disease progresses.

REASONS FOR REFERRAL TO COMMITTEE

At the request of the Head of Planning and Councillor S Butikofer on the grounds of the local sensitivity of the application, given the personal circumstances of the applicant.

PARISH/TOWN COUNCIL

East and West Runton Parish Council - Parish Councillors have inspected the site and are sympathetic with the reason for the application and see no planning objections to the proposal.

REPRESENTATIONS

Ten letters of public support have been received on the following grounds;

- the family's circumstances should be taken into account when determining the application. The extension is much needed and would allow the property to be adapted and care to be provided at home and allow the family to remain together at this difficult time.
- the proposed extension is considered sympathetic to the local area, its immediate surroundings and nearby properties, is of an appropriate scale and would put an unused space to the rear of the property to important use.
- the extension would be single-storey, well screened to the rear of the property and would not have detrimental impact on the residential amenities of any adjoining properties.

CONSULTATIONS

Conservation and Design Officer - Objection on design grounds and the harm to the adjacent designated heritage asset (The Old Mill, a grade II listed building).

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to Article 8: The Right to respect for private and family life.

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

Policy SS2: Development in the Countryside

Policy SS 4: Environment

Policy HO 8: House extensions and replacement dwellings in the Countryside

Policy EN 2: Protection and enhancement of landscape and settlement character

Policy EN 3: Undeveloped Coast

Policy EN 4: Design

Policy EN 8: Protecting and enhancing the historic environment

Policy EN 9: Biodiversity and geology

Policy CT 5: The transport impact on new development

Policy CT 6: Parking provision

National Planning Policy Framework (NPPF)

Section 12 - Achieving well-designed places - (paragraphs 127 and 130)

Section 15 - Conserving and enhancing the natural environment (paragraphs 170 and 172)

Section 16 - Conserving and enhancing the historic environment - (paragraphs 193, 194 and 196)

MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design and heritage impacts
3. Amenity
4. Landscape and effect on the area of Undeveloped Coast
5. Highways
6. Personal circumstances

APPRAISAL

1. Principle

Policies SS1 and SS 2 limit development in Countryside policy areas to that which requires a rural location. Policy SS 2 does, however, allow for the extension of existing dwellings in the Countryside. Therefore subject to compliance with other relevant Core Strategy policies, the proposal is in principle considered acceptable in terms of Policies SS 1 and SS 2. Policy HO 8 also permits extensions to dwellings in the Countryside where proposals would not result in a disproportionately large increase in the height or scale of the dwelling and would not materially increase the impact of the dwelling on the appearance of the surrounding countryside. Given the single-storey design, scale and siting of the proposed extension, it would also comply with the requirements of Policy HO 8.

2. Design and heritage impacts

The site lies on the eastern edge of East Runton. Whilst not located within the East Runton Conservation Area, the host property (The Old Mill Studio) forms part of a cohesive group of traditional outbuildings associated with the former Corn Mill (known as The Old Mill) which is listed (grade II). This has been converted to a private dwelling. Whilst it is recognised that both properties have been extensively altered/extended over time, they still retain a close interrelationship resulting from their historic use, physical interconnection and traditional architectural form and style, with the 19th century Mill being a significant landmark feature within the landscape which makes a positive contribution to the character and appearance of the wider area.

An application (PF/19/0342), was submitted to extend the property in a similar manner as now proposed (albeit the extension was approximately 1.8 metres greater in length). This was withdrawn prior to determination in response to heritage and design concerns as follows:

- Flat roof and 'boxy' form of the proposed extension
- Unbroken elevations and stark appearance
- Lack of design detailing and finesse
- One dimensional finishes
- Lack of relationship to the traditional context

Whilst it is acknowledged that the extension forming part of the current application is 1.8 metres less in length, the previous design and conservation concerns remain. For these reasons it is considered that the development would be harmful to the setting of the designated heritage asset (The Old Mill) and would fail to reinforce the local context. As such, it is considered that the scheme would constitute an unacceptable form of development which would fail to accord with Policies EN 4 and EN8 of the North Norfolk Core Strategy and Sections 12 and 16 of the NPPF. Although the harm would be less than significant, there would be no public benefits outweighing it as is required paragraph 193, 194 and 196 of the NPPF.

3. Amenity

Whilst there are a number of residential properties within the vicinity of the site, as the proposed extension would be single-storey with a flat roof (albeit featuring roof lanterns), it is not considered that the scheme would significantly impact on the residential amenities of the occupants of any neighbouring properties by virtue of unacceptable loss of privacy, light or unreasonable disturbance. On this basis, the proposal is in accordance with Policy EN4 of the North Norfolk Core Strategy.

4. Landscape and impact upon the Undeveloped Coast

Notwithstanding being located within the designated Undeveloped Coast, the property lies within a built-up area, which along with its well screened position to the rear of the property and single-storey design, would result in a development which would not raise any landscape or biodiversity concerns or be significantly detrimental to the open coastal character of the area. The scheme would therefore accord with Policies EN 3, EN4 and EN 9 of the Core Strategy and Section 15 of the NPPF.

5. Highways

The property is accessed by a private access off Mill Lane shared with a number of other properties. The proposal would not result in a material increase in traffic generation and the existing access and parking arrangements would be unaffected by the proposal, the proposal is therefore in accordance with Policies CT5 and CT6 of the Core Strategy.

6. Personal circumstances

The extension would provide assisted living accommodation for the applicants' son who has a terminal illness and will require increasing levels of care. A number of letters of support have been received from the local community, as well as support received from the Parish Council, highlighting the need for the proposed extension given the situation the family are currently facing. Whilst Officers empathise fully and recognise the genuine need for the accommodation being sought and that the proposal would allow care to be provided for the applicant's son whilst remaining in the family home, unfortunately personal circumstances can only be given limited weight as material planning considerations in the determination of the application. As highlighted in appeal decisions by the Planning Inspectorate, personal circumstances seldom outweigh more general planning considerations, as it is likely that proposals would remain long after the current personal circumstances cease to be material.

Furthermore, Government's online Planning Practice Guidance explains how children's best interests are to be taken into account when determining planning applications. It states *"local authorities need to consider whether children's best interests are relevant to any planning issue under consideration. In doing so, they will want to ensure their approach is proportionate. They need to consider the case before them, and need to be mindful that the best interests of a particular child will not always outweigh other considerations including those that impact negatively on the environment or the wider community. This will include considering the scope to mitigate any potential harm through non-planning measures, for example through intervention or extra support for the family through social, health and education services"*.

In this case, it is considered that the level of resulting harm to the heritage asset is such that it is not outweighed by the weight given to issue of children's best interests. Given the reasons for the accommodation being sought, discussions are currently taking place between Officers and the applicants to explore whether any design solutions exist or options are available to provide the applicants with the type and level of accommodation being sought, in a manner which would address the design and heritage concerns. Members will be updated verbally at the meeting as to the outcome of such discussions.

RECOMMENDATION: Refuse on the following grounds and any others as deemed necessary by the Head of Planning;

- Detrimental effect on the setting of the designated heritage asset - the adjacent grade II listed building known as The Old Mill

SUSTEAD - PF/19/0603 - Change of use of a former scaffold yard to a self-storage facility (B8 Storage) including installation of storage containers & office/welfare unit and laying out of storage compounds; Wheelwrights, The Street, Sustead, NORWICH, NR11 8RU for Wild Boar Properties Ltd

- Target Date: 05 June 2019

Case Officer: Mr D Watson

Full Planning Permission

The Development Committee deferred consideration of this application at its meeting on 10 October 2019 for the following reasons:

- To investigate whether or not permission PLA/20081174 had been implemented;
- To consider possible intensification of use of the site;
- To obtain a further highways report, including consideration of the visibility splay.
- To address concerns regarding the impact of water run off.

Since then, notification has been received from the Planning Inspectorate that the applicant has submitted an appeal against non-determination of the application. As such the decision will be made by a Planning Inspector appointed by the Secretary of State, not the local planning authority.

However, in accordance with appeal procedures, confirmation of the decision the Development Committee would have made is required, hence this report returning the item to committee for consideration.

Responses to the reasons why the application was deferred listed above, will be reported verbally by officers at the meeting.

RELEVANT CONSTRAINTS

- Landscape Character Area
- SFRA - Detailed River Network
- SFRA - Areas Susceptible to Groundwater Flooding
- LDF - Countryside
- LDF Tourism Asset Zone
- C Road

RELEVANT PLANNING HISTORY

PLA/19750106: Wendy Cottage, The Street, Sustead. NEW ACCESS FOR HEAVY VEHICLE. Approved 02/05/1975

PLA/19900151: Wendy Cottage, The Street, Sustead. USE OF YARD AND BARN FOR BUILDING AND CONSTRUCTION BUSINESS. Approved 26/06/1990

PLA/20040387: THE BARN WENDY COTTAGE, THE STREET, SUSTEAD. ALTERATIONS TO STORE TO PROVIDE OFFICE/STORE. Approved 04/05/2004

PLA/20040826: LAND ADJACENT WENDY COTTAGE, THE STREET, SUSTEAD. CHANGE OF USE OF AGRICULTURAL LAND FOR CONSTRUCTION OF ACCESS TO SERVE BUILDING & CONSTRUCTION PREMISES. Approved 30/06/2004

PLA/20081174: ACS Scaffolding, The Street, Sustead. CHANGE OF USE OF LAND TO EXTEND SCAFFOLDING YARD. Approved 12/02/2009

PF/17/1683: Acs Scaffolding, The Street, Sustead. Change of use former barn used as offices in association with scaffolding business to a dwelling; insertion of roof lights; use of part of adjacent land as garden for the dwelling. Approved 10/01/2018.

This permission was varied by application PF/18/0576 (approved 08/05/2018) to allow for the installation of 11no. solar panels and flue to south roofslope. It has been implemented and the conversion of the building is currently in progress.

PF/18/0139: Yard adjacent to, Forge Cottage, The Street, Sustead. Erection of 2 two-storey detached dwellings with detached garages following demolition of existing scaffold yard buildings & structures
Refused 21/03/2018

PF/18/0140: Yard adjacent to, Forge Cottage, The Street, Sustead. Change of use from scaffold yard to self-storage facility (Class B8), including installation of storage containers and associated works
Refused 21/03/2018. The 5 reasons for refusal related to

1. The height, scale and appearance of the container which would be a jarring, incongruous feature in this rural location that would have an unacceptable visual impact resulting in significant harm to the character and appearance of the area contrary to Policies EC 3, EN 2 and EN 4 of the adopted North Norfolk Core Strategy.
2. The overbearing impact on neighbouring properties and their gardens due to the height, overall scale and siting of the proposed containers; loss of outlook from, and light to, windows in the side elevation of Wendy Cottage a reduction in the privacy of Wendy Cottage and its outdoor amenity area to an unacceptable degree, contrary to Policy EN 4
3. The scale of the proposed development in terms of the number of storage containers and compounds, in combination with the likely nature of the use, resulting in noise and disturbance from general activity and comings and goings that would be harmful to the residential amenity of the occupiers of nearby dwellings, contrary to Policies EN 4 and EN 13
4. In the absence of a protected species survey, the applicant has failed to demonstrate that the proposed development would not result in harm to any protected species that may be present on, or using the site, or result in a net loss of biodiversity, contrary to Policy EN 9
5. The lack of a tree survey meaning there was no indication of health or life expectancy of the trees and hedges on the site, which have amenity and biodiversity value, and whether or not they would be affected by the proposed development or quantify the amount of vegetation that could be lost, contrary to the aims of policy EN 4.

THE APPLICATION

It is proposed to use the site as a self-storage facility. This would be a Class B8 use.

Two rows of shipping containers (14 in total) would be sited adjacent to the east and west boundaries to the front part of the site. The containers would be on a single level, each container would be about 2.6m and it is proposed to paint them green. The rear part of the site would be laid out as 10 open storage areas/compounds and the application states that it is anticipated these will largely be used for the storage of vehicles, machinery and boats. It is not stated within the application whether or not these would be enclosed by fencing.

The hours of opening are stated as being 7.30am - 7.30pm 7 days a week. The applicant has however subsequently confirmed he would accept a condition with reduced opening hours as suggest by the Environmental Health Officer these being: 7:30am - 6.00pm Monday to Friday, 7:30am to midday on Saturdays with no opening at any time on Sundays, Bank or Public Holidays. It is suggested that the proposed facility would require a single part-time employee

who would be on the site for the majority of the working week to provide security and management service for the facility. The plans show an office/welfare building in the same area as an existing building.

The existing access to The Street would be used. There would be 4 parking spaces within the front part of the site, with turning space at the end of the open storage area.

Existing trees and shrubs on the east, south and west boundaries would be retained and enhanced as necessary. The north boundary would remain open as at present.

The application is accompanied by a Preliminary Ecological Appraisal, Tree Survey and Arboricultural Impact Assessment/Method Statement and a Traffic Comparison note comparing traffic levels likely to be generated by the proposal with the scaffold yard use.

The site is on the south side of The Street, Sustead which is a small hamlet, the main part of which is at the junction of The Street and Aylmerton Road to the northeast. It comprises a scaffold yard with its gated entrance set back about 35m from the road. The area between the road and the entrance to the yard is a parking and turning area for the scaffold yard, which also provides access to Wendy Cottage. The site has not been used since it went into receivership in 2016.

The front (north) part of the scaffold yard contains a number of portable single storey 'buildings', used for storage, office and staff facilities, and storage racking associated with the former scaffold business. The rear part of the site which is slightly larger, is overgrown with vegetation. Planning permission was granted in 2009 for the change of use of this area to extend the scaffolding yard, but it is not certain if this was ever implemented.

The south, west and part of the east sides of the site are adjoined by agricultural land. Part of the east boundary adjoins the garden of Rosedale which is a dwelling fronting The Street. To the north are two storey dwellings - Wendy Cottage and Forge Cottage. The former shares the vehicular access from The Street and the principle elevation of both properties faces towards it. The main outdoor amenity area for Wendy Cottage is adjacent to part of the boundary to the scaffold yard, with a 1.6m high fence along it.

There is also a former barn that is adjacent to The Street. This was previously used in association with the scaffold yard as offices and storage, but is being converted to a dwelling following planning permission granted in 2017.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr John Toye for the following reasons:

- This is not an appropriate development for a village and the environment. The scaffold site has not been used for many years and was established under previous more lenient times. It is not considered relevant to this current application which should be taken on its merits alone.
- Under 'Environment', paragraph 2.6.1 of the Core Strategy states CS policies aim to protect and enhance the character of the countryside - it is considered the proposed development does neither.
- Paragraph 2.6.6 refers to reducing the need to travel. There is no evidence that the proposed storage containers would be used solely by locals and therefore most of its use will generate journeys over and above the number of vehicular movements to the established site.
- Policy SS6 talks about maximising the use of non-car modes of transport and this site sits on the Weavers Way long distance footpath and 2 National Cycle Routes so is likely to

bring people not familiar with the area into contact with walking and cycling groups through narrow gaps between buildings and no footpaths or segregation.

- Under Development Control Policies paragraph 3.1.3 of the CS refers to "the appearance of all types of development....., and ensures that those that live nearby are not adversely affected," are critical components of securing high quality development.

PARISH/TOWN COUNCIL

Sustead Parish Council: object.

- The scaffolding yard has been closed for some time and prior to its closure traffic had been minimal. The increased traffic would be unacceptable into a village which is already struggling with traffic speeds (particularly on the slight bend near the entrance to this site).
- A small rural residential village is not the place for this storage facility.
- The residential houses adjoining the site will be severely impacted both with traffic and noise.
- Sustead is an area of natural beauty and the containers are not sympathetic with the surroundings. The Ecological Appraisal has completely omitted the Felbeck Trust land on both Sustead Common and Spurrels wood. Both are areas of conservation and natural beauty. Both within 1 km of the proposed site.

REPRESENTATIONS

Four received, objecting for reasons summarised as follows:

- Proposed development is inappropriate for the site and village. Sustead is a quiet residential village and on the edge of the Area of Outstanding Natural Beauty
- The scaffold yard was relatively small and quiet. Proposal is too large and would be a intrusive change that is not necessary for the village. There is a self store facility in Cromer.
- Noise and extra traffic around a bend with poor visibility would reduce the quality of the environment and safety
- Impact on the amenity of residents
- Effect on birds including owls and other animals
- Containers would be ugly, intrusive and visible from the road and surrounding dwellings
- Increased through traffic and potential issues with access via a narrow drive past the existing cottages
- Proximity of containers to boundary with Wendy Cottage
- Questions as to what can be stored, what will be on the compounds, how it will be managed and no restrictions on how many visits a person could make each day
- The 'buildings' on the site are not all fixed buildings - there is a portacabin, 2 box lorry trailers and scaffold made storage with tin sheets
- The scaffold yard only had a licence for 5 vehicles and this was never maximised. The traffic report supplied is completely fabricated and exaggerated
- The rear part of the site was a well kept garden. Although the scaffold yard took it over it was not used as part of their business. With the exception of the scaffold yard, the whole of the area to the rear of the adjacent cottages in what was once the blacksmith's yard were used as gardens or small holdings

CONSULTATIONS

County Council (Highway): no objection, condition requested.

Environmental Health: comments that there is potential for noise arising from activities relating to the proposal. There are low levels of background noise and residential properties are close

by. A number of conditions are recommended to mitigate the impact of potential noise disturbance from the site on nearby dwellings.

These would cover the following:

- Full details of any heating, ventilation, air conditioning, refrigeration or mechanical extractor systems or any other plant and equipment prior to its installation, along with details of measures to control noise/vibrations/dust/odour from the equipment.
- Hours of use and opening hours for the public
- An acoustic barrier along the northern boundary
- Vehicle management and vehicle noise - no idling or revving of vehicles within the site and no use of reversing beepers or other means of audible warning of reversing vehicles to be fixed to, or used on, any site vehicles, other than those which use white noise
- No repairing of vehicles or storage of scrap materials or scrap cars on site at any time
- No paint spraying on the premises,
- No refrigeration/temperature-controlled containers to be used on site at any time
- No putrescible or perishable commodities or waste materials to be stored on site at any time
- No use for the accommodation of livestock and animals.

In addition, conditions relating to lighting, waste storage and surface water disposal are requested.

Landscape Officer: the scheme seeks to address the reasons for refusal of planning application PF/18/0140 and whilst this is not an appropriate location for such an operation, given the historical use of the site as a scaffold yard, this proposal presents an opportunity to improve the appearance of the site and reduce the landscape and visual impact. Conditions relating to hedge retention, enhancement and gapping up, compliance with the recommendations in the Arboricultural Method Statement and Ecology Appraisal and, external lighting are requested.

Economic and Tourism Development Manager: no objection

HUMAN RIGHTS IMPLICATIONS

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

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

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

SS 4 - Environment

SS 5 - Economy

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 9 - Biodiversity and geology

EN 13 - Pollution and hazard prevention and minimisation
EC 3 - Extensions to existing businesses in the Countryside
CT 5 - The transport impact of new development
CT 6 - Parking provision

National Planning Policy Framework (NPPF):

Section 2 – Achieving sustainable development (*para 11*)
Section 4 – Decision-making (*paras 47 and 54*)
Section 6 – Building a strong, competitive economy (*para 83*)
Section 9 – Promoting sustainable transport (*para 109*)
Section 15 - Conserving and enhancing the natural environment (*paras 170, 175 and 180*)

MAIN ISSUES FOR CONSIDERATION

Whether the proposed development is acceptable in principle and its effect on:

- the living conditions of nearby occupiers
- the character and appearance of the surrounding area and landscape
- the local highway network and highway safety
- protected species

APPRAISAL

The front (north part) of the site benefits from an Established Use Certificate dated 26 June 1990, certifying its use for a building and construction yard. The certificate also covered the old barn fronting The Street and the access which at that time ran along the west boundary of the site. Established use certificates were replaced by lawful development certificates in 1992. The effect and value of any existing established use certificates remains unchanged, but they are not considered to have been made under section 191 of the 1990 Act. The key difference is that old style certificates could certify an established use and provide immunity from enforcement action, but not that the development was lawful. Whilst the certificate refers to a building and construction yard, based on subsequent applications it is apparent that the site has been used as a scaffolding yard for a considerable period.

Permission was granted in 2004 for a new access to serve the building and construction business (applicant was ACS Scaffolding). In 2009 permission (ref 20081174) was granted to extend the scaffolding yard on to land to the rear. Based on what neighbours have said and aerial photos it is however, not clear if this was ever implemented. There is also no record of condition 2 having been complied with which required the site parking and turning areas to be laid out and de-marcated prior to the site being used. Other than a condition requiring the retention of hedges there were no other conditions such as hours of use, regulating the use of the land.

The current North Norfolk Core Strategy was in force at that time and the proposal to extend the yard was considered against it. It is considered that there have not been any material changes in circumstances such that the same proposal could therefore be considered unacceptable now. A scaffolding yard, whilst having a storage function, is also an operational base for an active business and as such is considered to be a sui-generis rather than B8 use as proposed. Consideration of the application is therefore on the basis of the effect of the use proposed, as well as the associated operational development such as the siting of the proposed containers. The fact that use of the site as a scaffold yard could recommence without the need for permission and would not be restricted by any conditions limiting hours of use for example, are material considerations that need to be given weight when determining the application.

Principle

Policy SS 1 sets out the spatial strategy for North Norfolk and identifies main and service settlements where development of varying scales can take place. The remainder of the district, including settlements not listed in the policy, are designated as Countryside. This is the lowest tier of the hierarchy and within it development is restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy.

The types of development acceptable in principle in areas designated Countryside are listed under policy SS 2. These include extensions to existing businesses and the re-use of buildings for economic purposes. Policy SS 5 similarly indicates the rural economy will be supported, including extensions to existing businesses of an appropriate scale. The proposal is a new business which is not one of the types of development listed under policy SS 2 unless there is a particular environmental or operational justification. Paragraph 83 of the NPPF states that "planning policies and decisions should enable the sustainable growth and expansion of all types of businesses in rural areas..".

As such, ordinarily the proposal would not be acceptable, but weight has to be attached to the established use of the site as a scaffold yard which could re-commence without planning permission; the extension to the established use of the site which was permitted previously against current development plan policies and; the fact that the proposal is for a replacement business use of the site. Given the specific circumstances in this case and with the above material considerations taken into account, it is considered the proposal would not conflict with the aims of policies SS 1, SS 2 and EC 5 and is acceptable in principle.

Living conditions

Although it does not appear to have caused problems in this respect in the past, the use of the scaffold yard is not restricted by any planning conditions and as such it could be taken over by a new scaffold business and used more intensively, longer and with less care for neighbours than was the case previously. The current proposal therefore needs to be considered on that basis.

Due to scaffold poles being of tubular metal construction, the loading of them on to lorries and unloading/storage often on metal racking it is an inherently noisy activity and probably more so than self storage would be, although it is accepted that this may not always be the case depending on what is stored and how it is loaded into the containers. It is therefore considered that the potential impacts in terms of noise and disturbance may not be significantly different.

Once vehicles are loaded and leave to go to a site, activity on the site associated with a scaffolding yard is likely to be low, other than at those times when scaffolding is returned to the site. Activity associated with a self store facility, which would primarily be comings and goings of the facility's users and the loading and unloading of containers and to/from the open storage areas, is less predictable. There could potentially be some activity throughout the day associated with the self-store use, depending on who (trades people or members of the public for example), uses the containers and how. Much of the activity however, is likely to be predominantly low key.

Compared to the previously refused scheme, the scale of the proposed use in terms of the numbers of containers has been reduced from 28 to 14, with the number of open storage areas remaining the same (10). The applicant has also confirmed they are agreeable to the opening hours suggested by the Environmental Health Officer, whereas the refused scheme proposed 24/7 opening. They have also conformed their agreement to the erection of an

acoustic barrier along the north boundary which adjoins Wendy Cottage. This can be secured by condition and its specification would need to be agreed as part of that. It is considered this should reduce the impact on Wendy Cottage to an acceptable degree. Overall the noise generated by the proposal could be similar or no worse than the use of the site as a scaffold yard.

Other conditions to have also been suggested by Environmental Health as detailed in the Consultation comments above. These can either be separate conditions or their requirements incorporated into an agreed management plan for the site which would set out what cannot be stored and activities that cannot be carried out for example. It is considered this would provide adequate mitigation such that the proposal would not result in unacceptable harm to the living conditions of the nearby occupiers. Therefore, on balance, it is considered that the proposal complies with policies EN 4 and EN 13.

Now only a single level of containers is proposed adjacent to the east boundary of the site, the concerns with the refused application regarding the overbearing impact on the rear garden of Rosedale have been addressed as the height the containers would be about 2.6 metres whereas a double stack as previously proposed was 5.2 metres. Only the rear end of the neighbouring garden would be affected, and although the length of the row would still be about half the length of the garden, with the reduced height, this is considered to be acceptable. There would be no unacceptable overshadowing impacts and there is existing planting along the boundary that already creates some shading.

The north end of the row of containers would be adjacent to the part of the north boundary which is common with the boundary to Wendy Cottage which has 3 first floor windows its side elevation facing the site. Two of these windows serve a bedroom and the nearest container would be sited about 2.5 -3.0m back from them. This is the same as proposed previously but as only a single level of containers is proposed it is considered there would be no unacceptable overbearing impacts and no unacceptable loss of outlook from and light to, these windows. The acoustic screen required along the north boundary would also provide visual screening of the adjacent amenity area to Wendy Cottage. The proposal is therefore acceptable in terms of policy EN 4 in this respect.

Character, appearance and landscape impacts:

In consideration of such matters, the established use of the site is material. The landscape and visual impact of the current proposal would be considerably reduced by removal of the two layers of storage units and replacement with a single layer when compared to the previously refused scheme. This 2.6m reduction in height will reduce the dominance of the large storage units in the rural landscape setting. The retention of all of the boundary hedging as shown on the site layout plan would assist in screening the development in views from the south east and west. The hedging could be enhanced by improved management, gapping up with additional species and the introduction of some hedgerow trees, which can be secured through conditions.

There would be some views into the site from The Street to the north but the narrow view through the access, in combination with there being only a single level of containers which would be a similar height to existing structures on the site, and boundary fencing, it is considered this would not result in any material visual harm or landscape impacts.

Unlike the previously refused application, a tree survey has been submitted with the application. The proposal would require the removal of a mature cypress (T1) in the south-west corner of the site and ivy removal and crown lifting of two other trees which the Landscape Officer considers to be acceptable. Some of the containers would be within the root protection areas of two trees on the east side of the site. Within this area a 'no-dig' cellular

confinement system is proposed. Elsewhere on the site any construction will be outside root protection areas. Subject to a condition requiring the development to be carried out in accordance with the Arboricultural Assessment and Method Statement, the Landscape Officer has no objections. On that basis it is considered that the proposal would not result in any unacceptable landscape impacts or the loss of important landscape features, and complies with policies EN 2 and EN 4.

Highways

The highway authority have no objections to the proposal. The site is served by a good surfaced and kerbed access which was approved in 2004 and considered suitable to serve the scaffold yard and the goods vehicles associated with it. The scaffolding yard would have generated goods vehicle movements and those associated with employees travelling to the site. Although the patterns of movement would be different for the storage use proposed and less predictable in terms of comings and goings and sizes of vehicle, the advice from the highway authority is that the impact of the proposal on the public highway network is likely to be similar. The proposed parking provision is considered adequate given the likely usage of this type of facility where people make short duration visits, often on a sporadic basis. Furthermore, the highway authority raised no concerns in respect of parking provision. The proposal is therefore considered to be acceptable in terms of policies CT 5 and CT 6.

Protected species

The proposal would require demolition of existing buildings which have not been used for some time and the clearance of vegetation which has been allowed to grow unmanaged. As the site is close to wooded areas, old buildings and drainage ditches, there is potential for protected species to either be on or using the site. In this case however, a Preliminary Ecological Appraisal (PEA) has been submitted which demonstrates that subject to checking for active bird's nests if works are carried out during the bird nesting season, there is no evidence or potential for other protected or important species on the site. Opportunities for biodiversity enhancement such as bat/bird boxes and the use of native planting are identified in the PEA and these can be secured by conditions. The retention of all of the species-rich boundary hedging as is proposed can similarly be secured by condition. It is therefore considered that the proposal complies with policy EN 9.

Conclusion

If this were a new development proposal, it would not be considered an acceptable in this rural location - it is within the area designated as Countryside, in close proximity to dwellings with access to it via narrow, winding rural lanes such that the recommendation would be refusal. However, significant weight has to be given to the previous/established use of the site and the previously, albeit probably lapsed, permission for expansion, such that this is now considered as a change of use, not a new development proposal. There are no highway objections, the potential impacts on living conditions can be mitigated with conditions suggest by Environmental Health and, compared to the previously refused scheme, the reduction in the height of the containers has addressed landscape and visual impact concerns to an acceptable degree.

RECOMMENDATION:

APPROVAL, subject to conditions to cover the matters listed below and any others the Head of Planning considers to be necessary

- Time limit for implementation
- Approved plans

- East, west south, boundary hedge retention and scheme for boundary hedge enhancement and gapping up
- compliance with all recommendations within the Arboricultural Assessment and Method Statement (except for the recommended hedge removal)
- compliance with all recommendations and enhancement measures contained within the Preliminary Ecological Appraisal
- external lighting
- Full details of any heating, ventilation, air conditioning, refrigeration or mechanical extractor systems or any other plant and equipment prior to its installation, along with details of measures to control noise/vibrations/dust/odour from the equipment.
- Hours of use and opening hours for the public as per the Environmental Health Officer's recommendations
- Details of siting and specification of an acoustic barrier along the northern boundary to be approved before the use commences. The barrier then to be erected and retained thereafter
- Vehicle management and vehicle noise - no idling or revving of vehicles within the site and no use of reversing beepers or other means of audible warning of reversing vehicles to be fixed to, or used on, any site vehicles, other than those which use white noise
- No repairing of vehicles or storage of scrap materials or scrap cars on site at any time
- No paint spraying on the premises,
- No refrigeration/temperature-controlled containers to be used on site at any time
- No putrescible or perishable commodities or waste materials to be stored on site at any time
- No use for the accommodation of livestock and animals
- Waste storage
- Surface water disposal
- Removal of permitted development rights for change of use
- Containers to be painted green within one month of installation and any replacements to be similarly painted
- Details of any fencing to separate the open storage areas to be approved
- Office/welfare building to be ancillary only with no overnight accommodation

Final wording of conditions to be delegated to the Head of Planning

TRUNCH - PF/19/0962 - Retention of land for private recreational use, retention of summerhouse; retention of shed; retention of electricity meter cabinet and mains water stop-cock cabinet; retention of pedestrian access gate; retention of vehicular entrance and gate; Land opposite School Cottage, Back Street, Trunch for Mr Amis

- Target Date: 01 October 2019

Case Officer: Natalie Levett

Full Planning Permission

RELEVANT CONSTRAINTS

- LDF Tourism Asset Zone
- Landscape Character Area
- Conservation Area
- LDF - Countryside
- C Road
- Tree Works
- HO 9 - Rural Residential Conversion Area

RELEVANT PLANNING HISTORY

PLA/1999/0971

LAND AT BACK STREET, TRUNCH

ERECTION OF HOUSE AND GARAGE

Refused 16/12/1999 ADIS 06/06/2000

THE APPLICATION

This retrospective application is to continue the use of an area of land opposite School Cottage, Back Street, Trunch for private recreational use with the retention of the summer house, shed; electricity meter cabinet, mains water stop-cock cabinet, pedestrian access gate and vehicular entrance with gate on the site

REASONS FOR REFERRAL TO COMMITTEE

The application is recommended for approval contrary to the development plan.

PARISH/TOWN COUNCIL

Trunch Parish Council: no objections, but do not wish to see the outbuilding used for residential use at any time in the future.

REPRESENTATIONS

No representations received.

CONSULTATIONS

None considered necessary in this case

HUMAN RIGHTS IMPLICATIONS

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

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

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

EN 4 - Design

EN 8 - Protecting and Enhancing the Historic Environment

CT 5 - The Transport Impact of New Development

CT 6 - Parking Provision

National Planning Policy Framework (NPPF):

Section 2 - Achieving sustainable development

Section 4 - Decision-making

Section 8 - Promoting healthy and safe communities

Section 9 - Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 - Achieving well-designed places

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

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

MAIN ISSUES FOR CONSIDERATION

- Principle of Development
- Design and effect on the Conservation Area
- Amenity impacts
- Highway Impact

APPRAISAL

Principle:

Policy SS 1 sets out the spatial strategy for North Norfolk and the site is within an area designated as Countryside. Policy SS 2 limits development in the Countryside to that which requires a rural location and is for one of the types of development listed in the policy.

In this case development is not one of the types listed in Policy SS 2. It cannot fall under extensions to dwellings because it is not land not associated with a dwelling. Previously it formed part of garden land to the adjacent dwelling before they were separated and the adjacent site sold off.

As a result, the principle of development is unacceptable being and contrary to policies SS 1 and SS 2, and it is whether or not there are any material planning considerations that outweigh this.

Design and effect on the conservation area:

The vehicular and pedestrian gates have been in situ for over 10 years, therefore the applicant could submit a Certificate of Lawfulness for them and that would likely be granted.

The site is fairly well screened, albeit the summer house and shed can be seen from the road. However, given the size in proximity to the land, it is considered acceptable and not overbearing.

The electricity meter cabinet and mains water stop-cock cabinet are hidden from view and are used by the applicant when visiting the site with their motorhome.

Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (in particular Sections 16, 66 and 72) as well as satisfying the relevant policies within the National Planning Policy Framework and the Development Plan. National policy states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Core Strategy Policy EN 8 seeks to ensure that new development preserves and enhances the character, appearance and setting of conservation areas and listed buildings.

The Trunch Conservation Area includes the historic core of the village and is characterised by a loose knit pattern of development, with wide streets lined by primarily traditional brick and flint cottages, creating an open character. The development is small in scale and generally hidden from view. Accordingly, the development would have limited material impact on the character and appearance of the conservation area. The proposal is therefore considered to be acceptable in terms of policies EN 4 and EN 8 having regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Amenity:

The design and location of the summer house and shed, together with the other elements of this proposal including the use, are considered acceptable and do not result in any detrimental impact on the residential amenity of the surrounding area. As a result, the proposal complies with Policy EN 4.

Highways:

Given the access has been in situ for over ten years, the access is established. Nevertheless, whilst not in an ideal location, visibility is relatively good. There are no car parking requirements for this kind of development but there is sufficient off road parking for a number of vehicles. As a result, the proposal complies with Policies CT 5 and CT 6.

Conclusion

Whilst the development is not one of the types of development listed under policy SS 2 as being acceptable within the Countryside, it is considered that the proposal does not harm the aims the policy and is acceptable in all other respects.

RECOMMENDATION:

It is recommended that approval of the application is delegated to the Head of Planning subject to conditions relating to:

- development to be in accordance with the submitted plans;
- restrict use of site to private amenity use only;
- summer house not to be used for residential habitation.

and any other conditions considered necessary by the Head of Planning.

WIVETON - PF/19/0856 - Retention of an electronic communications base station without removing the existing 12.5m high monopole mast and attached transmission dish (as required by condition 5 of prior approval ref. no. PA/17/0681); Telephone Exchange, Hall Lane, Wiveton for Arqiva Limited

Minor Development

- Target Date: 26 July 2019

Case Officer: Miss J Smith

Full Planning Permission

CONSTRAINTS

Landscape Character Area

Enforcement Enquiry

Countryside

Conservation Area

Area of Outstanding Natural Beauty

Unclassified Road

Undeveloped Coast

RELEVANT PLANNING HISTORY

PLA/20032025 PF

Cley ATE, Hall Lane, Wiveton

ERECTION OF TWELVE METRE TELECOMMUNICATIONS POLE WITH MICROWAVE DISH

Approved 07/05/2004

PA/17/0681 PA

Cley ATE, Hall Lane, Wiveton, Norfolk, NR25 7TG

Prior notification of intention to remove a 12.7m telecommunications monopole and install a 15m telecommunications monopole with 3 antenna and ground-based equipment cabinets

Approval - Prior Approval Given 28/06/2017

THE APPLICATION

Permission is sought for the retention of a 15m high telecommunications monopole without removing the existing 12.5m high BT monopole and transmission dish which was required by a condition attached to the prior approval given under application reference PA/17/0681.

The application has been submitted due to investigations revealing that the Line of Sight (LOS) links necessary to transfer BT's transmission dish cannot be achieved from the new base station. Consequently, BT's apparatus cannot be relocated to the 15 metre monopole as it would render part of its communications network inoperable.

The site is located within the in the compound at the rear the of Cley ATE, the telephone exchange building along Hall Lane, Wiveton.

The application is supported by a Planning Statement, Technical Supporting Information, Declaration of Conformity with ICNIRP Public Exposure Guidelines, Landscape and Visual Impact Assessment, Heritage Statement and information on alternative Sites and Discounted Options.

REASONS FOR REFERRAL TO COMMITTEE

At the request of the Local Ward member due to the principle of development and impact on landscape and heritage designations.

PARISH/TOWN COUNCIL

Wiveton Parish Council: No comments received.

REPRESENTATIONS

4 representations received objecting to the application summarised as follows:

- Manipulation of the planning system through application PA/17/0681 in order to gain approval for a taller mast on false claims.
- Application has failed to undertake proper research that the proposal was technically feasible.
- The LVIA and further revised LVIA incorrectly identifies that the site is within the North Norfolk Coast National Character Area Profile 77.
- Treasured landscapes and areas of England are being blighted by unnecessary/duplicated masts and equipment.
- Impact on residential amenity.
- Impact on character of the area due to its large and urbanising effect.
- The 12.5 metre pole was not removed as required as a condition of PA/17/068.
- The presence of two masts result in an overall sense of scale, massing and visual clutter that is greater than either would do individually and compound the overall harm.
- Two further options have not been considered (a) relocate the new mast to the site of the old mast and, (b) to remove the new mast altogether and find a suitable location for the equipment elsewhere.
- No mast should increase the height of the existing base station monopole (O2 and Vodafone) from its current height of 15 metres.
- The pole should not be sited further to the west or south than its present position. It would likely be closer to properties and more visible than it is currently.
- No trees should be lopped or removed to enable the mast to 'talk' to the one at Newgate.
- If the BT mast is retained it should provide the 4G coverage across 'all networks' required by all local communities.
- Any approval should ensure that overall situation is no worse than at present.
- No evidence for either mast which could not be met by utilising facilities available within St Nicholas Church, Blakeney.
- St Nicholas Church already hosts mobile telecoms equipment for (O2 and Vodafone) where it is understood that there is capacity to host further equipment for other operators. This existing facility would provide all of the public benefits and avoid all of the adverse visual impacts or any harm to the very important designated assets which surround the site.
- Failure to properly appraise sites or consider alternative solutions/utilising existing structures, i.e. Blakeney church tower.
- LPA must insist that the relevant condition imposed in PA/17/0681 is enforced and that the applicant relocates the equipment hosted on the original mast.

CONSULTATIONS

Conservation and Design Officer: The site is located on the northern edge of the village of Wiveton and falls within the Norfolk Coast Area of Outstanding Natural Beauty and the Glaven

Valley Conservation Area. The southern boundary of the site defines the northern edge of the Wiveton Conservation Area. The nearest listed building is the Grade I Listed Church of St Nicholas which sits 650m west of the site.

The presence of both masts is somewhat screened from surrounding development and key public vantage points by the established mature trees and tall hedgerows. The recently adopted Wiveton Conservation Area Appraisal indicates a key viewpoint to the south-west of the site but not from further north along Hall Lane. Given the fairly enclosed nature of the site and the precedent for such communications equipment in this location, the impact on the heritage assets is low and most certainly less than substantial.

The existing 15m monopole mast with attached antennas has been treated in a 'matt Van Dyke Brown' colour and the equipment cabinet in Olive Green. This has helped in mitigating the visual impact of the structures and helps to knit the mast into the sensitive landscape context. It would be beneficial if the other mast could also be treated in the same colour.

Whilst the proposal will result in less than substantial harm to the heritage assets in question (the Glaven Valley Conservation Area and setting of the Wiveton Conservation Area), the public benefits associated with providing and retaining adequate communications coverage is likely to outweigh the limited harm caused. Conservation and Design therefore have no objection to the application.

Landscape Officer: The submitted LVIA assesses the cumulative effect on landscape and visual amenity of retaining the existing BT 12.5m monopole alongside the recently erected 15 metre monopole. It is understood that, having sought alternative solutions as set out below, this is required to achieve the required Line of Sight (LOS) transmission east to a transmission mast in Cley linking to the telephone exchange that is currently interrupted by two groups of mature trees.

One alternative option was explored which involved reducing the height of these mature trees. However, as set out within the Planning Statement, the reduction in height of two groups of mature trees within private land to the east of Hall Lane and within Wiveton Conservation Area was not considered to be good arboricultural practice and the private landowner would not grant consent for such works. This solution was therefore not viable. A further option would have been to increase the height of the 15m mast, but pre-app advice concluded that this would not be favourably received given the incremental increase in landscape and visual impact that would have resulted.

The LVIA concludes that retention of the 12.5m monopole co-located with the 15 metre monopole would result in a minor effect on the local landscape character, visual amenity and two of the defined special qualities of the Norfolk Coast AONB (*settlement character and sense of remoteness, tranquillity and wildness*). The LVIA concludes that retention of the 12.5m pole would incur less landscape and visual impact than the alternative options considered. The Landscape Officer concurs with these conclusions, but notes that there is no landscape planting proposed to reduce the identified landscape and visual impacts. This should be included to provide a degree of mitigation for the adverse impacts identified.

Whilst there are public benefits to be gained by the efficient operation of this development in terms of improved signals for two mobile operators (Vodafone and Telefonica) since this is a shared monopole, the identified harm, albeit limited, to the landscape and visual amenity of the designated landscape will need to be attributed considerable weight in formulating the planning balance, in accordance with para. 172 of the NPPF requiring the 'great weight' be afforded to the conservation and enhancement of landscape and scenic beauty within AONBs.

If the application is approved, the Landscape section recommend a condition securing an appropriate planting scheme that is carefully tailored to reduce the identified visual impact, particularly from near range views along Hall Lane and other locations illustrated by VP1, VP2, VP4, Vp9, Vp10, VP11 in the LVIA) without adversely affecting radio signals from the antennae. Some additional mitigation could be achieved by painting the 12.5m pole Vandyke Brown to match the recently installed pole.

Norfolk Coast Partnership: Would prefer to see the removal of the mast as this was stipulated in the previous application through condition. If this is approved they are concerned this will set a precedent for further applications of this kind in sensitive locations in the AONB. They ask if the apparatus within the Blakeney church tower could be shared

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to Article 8: The Right to respect for private and family life.
Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008)

Policy SS 1: Spatial Strategy for North Norfolk
Policy SS 2: Development in the Countryside
Policy SS 4: Environment
Policy SS 6: Access and Infrastructure
Policy EN 1: Norfolk Coast Area of Outstanding Natural Beauty and The Broads
Policy EN 2: Protection and enhancement of landscape and settlement character
Policy EN 4: Design
Policy EN 8: Protecting and enhancing the historic environment
Policy EN 9: Biodiversity and geology
Policy EN 13: Pollution and hazard prevention and minimisation
Policy CT 4: Telecommunications

Supplementary Planning Documents

North Norfolk Design Guide Supplementary Planning Document (December 2008)
Landscape Character Assessment Draft Supplementary Planning Document (November 2018).

NATIONAL PLANNING POLICY FRAMEWORK

In determining planning applications for telecommunications, paragraphs 115 of the NPPF states: *'Applications for electronic telecommunications development should be supported by the necessary evidence to justify the proposed development. This should include:*

- *the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college or within a statutory safeguarding zone surrounding an aerodrome*

or technical site or military explosives area; and

- *for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission on non-ionising radiation protection guidelines; or*
- *for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met”.*

APPRAISAL

BACKGROUND

On 8 November 2016, pre-application advice was sought from the Local Planning Authority as to a 20m high telecommunications mast at Cley ATE. Officer advice was that this would not be favourable given the incremental increase in landscape and visual impact that would have resulted from such a proposal.

On 3 March 2017, an application (ref PA/17/0681) was received for the intention to remove a 12.5m telecommunications monopole and install a 15m monopole with 3 antenna and ground-based equipment cabinets. Prior approval was granted on the grounds that the application was deemed to be permitted development. A condition was imposed requiring the existing 12.5 metre monopole to be removed within one month of the 15m monopole and antenna being brought in to use.

The 12.5m telecommunications monopole was not removed due to technical constraints. Following on from this there was informal discussion with the Council's Planning, Enforcement and Conservation and Design teams. The application states that engagement with the Local Planning Authority established the Council's position in relation to the options available to overcome the technical constraints, these are as follows:

a) Lop or remove those trees that prevent the Line of Sight (LOS) link being achieved from the new base station. However, the trees subject to this were considered to make a positive contribution to the character of the landscape and the Wiveton Conservation Area. Additionally, the landowner would not grant consent for these works.

b) An extension of the 15m monopole above the tree canopy to achieve the LOS link would not be acceptable by the Local Planning Authority in terms the visual impact of a taller mast within both the Norfolk Coast Area of Outstanding Natural Beauty and the Glaven Valley Conservation Area, as well as the potential harm to the setting of the Glaven Valley and Wiveton Conservation Area.

Technical Constraints Preventing the Removal of BT's Apparatus

The function of BT's monopole is to host the small transmission dish that connects sites within BT's customer networks to the telephone exchange. In the case of the Cley ATE site, it connects to a dish on another mast to the east of Newgate and Cley-next-the-Sea. Transmission dishes operate on a straight Line of Sight (LOS), which is similar to the beam of light from a torch, and passes calls and data between base station sites and the operator's core networks. The links however between them can be broken by trees and tall buildings. Thus, they require clear and unobstructed LOS between dishes at both ends of the link. A call or data might need to pass through several of these dish links (known as 'hops') across considerable distances before reaching the intended recipient. In BT's case, the core network includes the apparatus inside the telephone exchange.

At present, the LOS path for BT's dish is not obstructed. However, investigation resulted in a technical issue which would prevent the BT apparatus being re-located as it would be inoperable once it is transferred to the new mast. Consequently, the agent has confirmed that re-positioning BT's mast and dish to a different location elsewhere between Blakeney and Cley-next-the-Sea would not be a viable or technical solution due to it being divorced from the physical link to telephone exchange, as well as severing the LOS dish link hops that rely upon it.

MAIN ISSUES FOR CONSIDERATION

1. Principle of Development
2. Landscape and Visual Impacts
3. Impact on Designated Historic Assets
4. Impact on Residential Amenity
5. Impact on Public Health
6. Assessment of Alternative Sites
7. Other Considerations
8. Overall Summary and Conclusion

PRINCIPLE

The site is situated with an area designated as Countryside under policy SS 1 of the Core Strategy. Policy SS 2 limits development in areas of Countryside to that requiring a rural location and where it is for one of the types of development listed in the policy. These include telecommunications development. The principle of the development is therefore considered to be acceptable, subject to compliance with other relevant policies.

Paragraphs 112-116 of the NPPF relates to the installation of telecommunications equipment and advises that local planning authorities should support the expansion of electronic communications networks, but should aim to keep the numbers of telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. It explains that existing masts, buildings and other structures should be used, unless the need for a new site has been justified and that where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate. Paragraph 112 further states that: *“Advanced, high quality and reliable communications infrastructure is essential for sustainable economic growth and social well-being”*. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services, especially in rural areas. Recent correspondence from the Secretary of State for Department of Digital, Culture, Media and Sport to the MP for North Norfolk regarding poor mobile coverage elsewhere in the district confirms the Government's commitment to extended mobile coverage, especially in more and rural areas where specific reference was made to the Government's recent consultation referred to below on amending the permitted development rights for telecommunication to enable this to occur.

In this regard, the application states that if the base station was removed, it would result in the loss of Vodafone's and Telefonica's 2G, 3G and 4G coverage to Wiveton, and parts of Blakeney, Morston, Glanford and Cley. It would also result in the loss of a shared base station that could be readily adapted for 5G, which is clear directional move of Government given their recent consultation on *‘further reforms to Permitted Development right to support the deployment of 5G and extend mobile coverage* which seeks to further increase permitted development rights, including in conservation areas and AONBs.

Whilst there is clearly a more localised visual impact of the monopoles upon the residents surrounding the site, the residents of Wiveton, and parts of Blakeney, Morston, Glanford and Cley will stand to gain from the improved coverage.

Policy CT 4 aims to facilitate the growth of telecommunications systems while keeping the environmental impact to a minimum. It states that proposals for telecommunications development (including radio masts), equipment and installations will be permitted provided that:

- there is a justifiable need for the development in terms of contributing to the operator's national network;
- no reasonable possibilities exist to share existing telecommunication facilities;
- existing buildings and structures are used where possible to site new antennas rather than erection of new masts;
- the development is sited and designed so as to minimise impact on the open character of the North Norfolk landscape and respect the character and appearance of the surrounding townscape;
- where applicable, impact on the building on which equipment is installed is minimised; and
- within the Norfolk Coast AONB, it can be demonstrated that the benefits of the scheme outweigh the landscape or visual impacts.

The principle of a new telecommunications mast is acceptable subject to the requirements of Policy CT 4 above, together with those requirements of Core Strategy Policies EN 1 and EN 2 being met, whilst having regard to the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay "special attention" to the "desirability of preserving or enhancing" the character and appearance of conservation areas.

EFFECT ON SURROUNDING LANDSCAPE AND AONB

Both monopoles are located directly to the west of the telephone exchange within the existing compound. As such, there is no additional requirement for the removal of trees, hedgerows or the provision of security fencing.

The site lies within the AONB where Policy EN1 states that, '*proposals that have an adverse effect will not be permitted unless it can be demonstrated that they cannot be located on alternative sites that would cause less harm and the benefits of the development clearly outweigh any adverse impacts*'.

Furthermore, the site lies within the following landscape types as defined in North Norfolk Landscape Character Assessment (LCA) (Draft Supplementary Planning Document) (November 2018):

- Rolling Heath and Arable landscape type - the Rolling Heath & Arable – Blakeney Area (RHA1)
- River Valleys landscape type – River Glaven and tributaries (RV5)
- National Character Area 78 – Central North Norfolk

According to the LCA, the Rolling Heath & Arable – Blakeney Area (RHA1) landscape type is characterised by '*a predominantly elevated open, rolling landscape with a strong coastal influence*' due to its proximity to the sea and fairly hilly topography. Additionally, the River Glaven and Tributaries (RV5) landscape character type portrays '*deep valley sides with high level of tree cover with variations in land cover and views*'.

The applicants have submitted reports and documents to support their proposal, including a Landscape and Visual Impact Appraisal (LVIA), together with visualisations from a number of viewpoints.

The key test within Policy CT 4 is whether the proposal *'is sited and designed so as to minimise impact on the open character of the North Norfolk landscape and respect the character and appearance of the surrounding townscape'* whilst policy EN 2 requires that development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance, amongst other things, the special qualities and local distinctiveness of the area.

The LVIA submitted with the application includes 13 viewpoints taken from within the AONB which illustrate the visual effects, and the likely effects on the landscape which is one of an undeveloped and unspoilt character. Overall, the views of both monopoles are generally restricted to localised viewpoints (the field to the west, Hall Lane to the east, isolated hedgerow gaps on the A149 Coast Road to the north, the access road to the Broadview and Beacon End properties to the south, and to a limited degree from Blakeney Road and Wiveton Downs to the south west). The LVIA concludes that both monopoles result in a limited effect on the key characteristics of the Central North Norfolk, the Rolling Heath and Arable Landscape Character Type and the Blakeney, Salthouse and Kelling Landscape Character Area containing the site. The magnitude of change resulting from the retention of the monopoles is considered to be low resulting in a **minor effect** on landscape character. The monopoles are not considered to effect the character of the Riven Glaven and Tributaries Landscape Character Area within the lower floodplain to the east given the visual screening provided by the woodland along Hall Lane.

The location and nature of the monopoles collectively result in a more utilitarian feature in the landscape which creates a degree of harm in this essentially rural setting. However, this harm is predominantly short range, at localised views. The lower sections of the monopoles and cabinets are predominantly screened by the telephone exchange building with a roofline height of approximately 5.7m. Within distant views, the monopoles are generally difficult to discern against the woodland backdrop along Hall Lane and do not break the skyline within outward views towards the coastline. They are not generally visible from the lower floodplain of the Glaven Valley to the east, the North Norfolk Coast Path to the north east, or from the villages of Cley next the Sea, Newgate, Glandford or Blakeney.

Paragraph 170 of the NPPF advises that the AONB should be afforded the highest status of protection in the hierarchy of landscape designations. It is however considered that whilst the site is within the AONB, it is influenced by the utilitarian nature of the site. The LVIA concludes that the retention of the monopoles would affect, to a limited degree the *'settlement character'* and the *'sense of remoteness, tranquillity and wildness'* qualities. However, the monopoles would not affect the *'geomorphology of the coast'*, the *'links between land and sea'*, the *'locally distinctive habitats'* or the *'locally important geology'* qualities and functional character of the telephone exchange building and the presence of the existing monopoles.

The LVIA concludes that retention of the monopoles is considered to result in a **minor effect** on the landscape character, visual amenity and the special qualities of the AONB. This minor effect is considered to be preferable to the alternative options such as the increasing the height of the mast/pole to over 20m or the felling/pruning of off-site tree cover to the east of Hall Lane to provide a LOS.

The conclusions of the LVIA are accepted by the Council's Landscape Officer. It is considered that the effect on the landscape character is limited being restricted to localised viewpoints, which will need to be weighed up in the planning balance of public benefits of the proposal. Whilst the site is located within the AONB and is a valuable landscape, the proposal will result

in some harm to landscape but would not detract from the defined special qualities of the Norfolk Coast AONB. This minor harm is considered to be acceptable when assessed against policies CT 4, EN 1 and EN 2.

EFFECT ON DESIGNATED HISTORIC ASSETS

The Built Heritage Statement submitted within the application draws the following conclusions:

The 15m and 12.5m monopoles at the Telephone Exchange site on Hall Lane are located within the Glaven Valley Conservation Area which covers a relatively large geographical area. The site itself represents an extremely small proportion of the total area covered by the Glaven Valley Conservation Area and, as stated by the Conservation and Design Officer, there is already a precedent for telecommunications infrastructure in this locality.

Neither the 15m or the 12.5m monopoles would detract from, or result in harm to, the character and appearance of the Conservation Area. It is therefore considered that the combined development of the two monopoles at the Telephone Exchange site would result in no harm to the heritage significance of the Glaven Valley Conservation Area.

No harm to Wiveton Conservation Area and the Grade I Listed Church of St Nicholas through setting is anticipated to result from the retention of the monopoles either individually or cumulatively.

It is considered that given the sites precedent for telecommunications equipment in this location, the relatively enclosed nature of the site and screening from the established mature trees and tall hedgerows, that the impact on the Glaven Valley and Wiveton Conservation Area would be low. The 15m monopole has been colour finished in a matt brown to mitigate the visual impact of the structure into the sensitive landscape context. The existing 12.5m monopole could be similarly treated in the same manner to reduce its visual impact further and secured through a condition.

Whilst the proposal will result in **some** harm to the heritage assets, the harm is considered to be 'less than substantial'. In such cases, Paragraph 196 of the NPPF requires that this harm is outweighed by the by the public benefits of the proposal. In this case, the public benefit of increased telecommunications coverage within this rural area is considered to outweigh the 'less than substantial harm' identified and is considered to be compliant with Paragraph 196.

EFFECT ON RESIDENTIAL AMENITY

The closest dwellings to the site are:

To the north:

- The Old Exchange approximately 30 metres away

To the south:

- 8 and 9 Hall Lane approximately 54 - 60 metres respectively away
- Bones Cottage approximately 75 metres away
- Broadview approximately 90 metres away

To the west

- Wiveton Barn approximately 155 metres away

To the east

- Agricultural fields

Whilst the monopoles are visible from a number of dwellings close to the site, it is not considered that they result in significant detrimental effect on the living conditions of their occupiers by way of overbearing or noise impacts. Therefore, the proposal is considered to comply with Policies EN 4 and EN 13.

IMPACT ON PUBLIC HEALTH

Paragraph 116 of the NPPF states: *“Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition from different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.”*

Policy EN13 states that proposals should minimise all kinds of pollution where possible and seek to reduce emissions and other pollution in order to protect the natural environment.

As required by paragraph 116 of the NPPF, the application includes a statement that self-certifies when operational the development would comply with the International Commission guidelines.

The proposal therefore accords with Policy EN 13 of the adopted Core Strategy and requirements of the NPPF.

ASSESSMENT OF ALTERNATIVE SITES

Policies EN 1 and CT 4, require that alternative and less harmful proposals have been properly considered. Paragraph 113 of the NPPF states *“Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate”*. Paragraph 115 of the NPPF requires evidence applicant has explored the possibility of erecting antennas on an existing building, mast or other structures.

The approval given under application PA/17/068 is a material planning consideration in the determination of the current application. Application PA/17/068 detailed 11 alternative sites and set out the reasons why these alternatives were dismissed. This is submitted with the current application submission. In respect to the alternatives considered, a number of the sites were discounted due to their more prominent locations along the North Norfolk Coast. These sites would have resulted in a ‘net’ new mast which would be taller than that approved due to lower land levels. The resultant effect being a monopole which would be more prominent within the landscape, conservation areas and AONB. The discounted sites are as follows: (Cley Kiln Pumping Station, Cley Allotment Gardens, Anglian Water Compound, Cley Village Hall, Newland Herd, Cley Mill and Anglian Water Pumping Station).

Other sites were discounted as they were not considered to provide the adequate level of signal coverage (Cley Sewage Treatment Works, Norfolk Wildlife Trust). The use of local churches was also explored but discounted due to a combination of land level and signal coverage and as a consequence, would likely mean that a further additional site would be required to provide the required mobile coverage to the target areas.

With regard to the use of St Nicholas Church, further details were provided as part of application PA/17/068 stating that the church was not considered as an alternative site as it is an ‘additional site’, rather than ‘instead of’. The agent stated through that application that Cley Telephone Exchange will not provide any additional 4G coverage to the village of Blakeney to the west of Wiveton. Hence, a separate installation would be required at Blakeney Church to ‘infill’ this coverage deficit. This was demonstrated by the submitted coverage plots. Neither site can individually provide adequate 4G coverage for Blakeney, Wiveton, Cley next the Sea,

Glandford and Newgate.

Objections to the current application have again raised the issue surrounding the use of St Nicholas Church, Blakeney especially as telecommunications apparatus has now been installed and is stated to be currently operating. The agent has re-affirmed that Blakeney Church is an *additional site* to infill coverage deficit which is detailed on the coverage plots. In respect to the use of St Margaret's Church in Cley, the agent states the location of the Church and its position on lower lying land would result in the site not providing the required level of coverage. It was, therefore, an inferior technical option to Cley ATE and rejected. The agent confirms that there were also concerns regarding the potential impact of installing antennas and equipment cabinets at this grade I listed building. Cumulatively, this site was rejected as an option at an early stage.

The assessment of alternative sites was considered in the an appeal decision (APP/Y2620/W/17/3177414) relating to the installation of a 15m high monopole supporting 3 no shrouded antennas at land at Lamas Road, Badersfield (application ref. no. PA/17/0140). The application was refused the application due to the proposals impact on the Coltishall Conservation Area and to a lack of proper investigation of alternative locations, which failed to justify the siting proposed and outweigh the harm found. This appeal was allowed and the Inspector considered the information submitted by the agent provided for a '*reasonable level of investigation into alternative siting options*'. Furthermore, that the use of locally listed buildings within the Conservation Area were appropriately discounted due to the potential harm that may be caused and insufficient radio coverage '

In terms of overall design, the use of a 'tree mast was considered as an option as part of application PA/17/0681. However, this would require an additional height of 5m over that which was approved. This would not have been considered acceptable in terms of the impact on landscape and heritage designations.

Additionally, the replacement of the existing antenna head on the 15m monopole with a shroud antenna has been explored through the current application. The agent has confirmed that as the mast at Cley Telephone Exchange is a shared monopole designed to be used by two mobile network operators (Vodafone and Telefónica UK). This mast design precludes the use of an antenna shroud due to the need for a more robust pole.

It is considered that on the basis of the information supplied and lack of any evidence to the contrary, that the alternative have been properly assessed. As such the proposal complies with policies EN 1 and CT 4 in this respect.

OTHER CONSIDERATIONS

Response to representations not specifically addressed in the above assessment:

- Landscape Character Plan provided in the Appendix to the LVIA demonstrates that the application site is correctly associated with National Character Area 78, not National Character Area 77.
- Right to a view is not a material planning consideration.
- The application submission states that it would likely be costs prohibitive to relocate the existing 15m monopole to the southwest of the site.

CONCLUSION

The NPPF considers that advanced, high quality communications infrastructure are essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local

community facilities and services. The application states that if the base station was removed, it would result in the loss of Vodafone's and Telefonica 2G, 3G and 4G coverage to Wiveton, and parts of Blakeney, Morston, Glanford and Cley. There is a clear emphasis that local planning authorities should be looking for ways to support development coming forward and not reject applications simply on environmental grounds.

The NPPF recognises that this is especially relevant where development might have other significantly important benefits such as being essential to meet, for example, sustainable economic growth or a national need which can include new infrastructure that connects more isolated communities, especially in rural areas. At a local level, whilst there is a more localised visual impact, the residents of Wiveton, and parts of Blakeney, Morston, Glanford and Cley will benefit from the improved telecommunications.

The economic and social benefits of improved telecommunications infrastructure are well recognised and are of growing importance, but these benefits have to be weighed against the protection afforded to heritage assets and the Area of Outstanding Natural Beauty.

It is considered that the degree of harm to the landscape character and impact upon heritage assets of the retention of these two monopoles is minimum and are outweighed by the public benefits. Furthermore, it is considered that all reasonable alternative locations for the mast have been assessed and justifiably discounted. Additionally, whilst there is clearly a more localised visual impact of the monopoles on the residents surrounding the site, the residents of Wiveton, and parts of Blakeney, Morston, Glanford and Cley will benefit from improved telecommunications.

Balancing the benefits against the limited harm arising from the proposal, it is considered that it is in accordance with Policies SS 1, SS 2, EN 1 EN 2, EN 8 and CT 4 for the reasons stated .

RECOMMENDATION:

Approve subject to the conditions relating to the matters below and any others as deemed necessary by the Head of Planning:

- Approved plans.
- Within 3 months of the date of approval the antenna on the 15m monopole and the 12.5m BT monopole to be painted Van Dyke Brown.
- Within 3 months of the date of approval a soft landscaping scheme to be submitted and approved in writing by the Local Planning Authority.
- Removal of permitted development rights
- Removal of telecommunications apparatus when it is no longer in use.

Final wording of conditions to be delegated to the Head of Planning.

APPLICATIONS RECOMMENDED FOR A SITE INSPECTION

There are no recommended site inspections at the time of publication of this agenda.

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APPEALS SECTION

(a) NEW APPEALS

BINHAM - PF/18/1524 - Proposed conversion of an agricultural barn to a dwelling; Westgate Barn, Warham Road, Binham, Fakenham, NR21 0DQ for Mr & Mrs Bruce

WRITTEN REPRESENTATIONS

MELTON CONSTABLE - PF/19/0481 - Erection of two-bedroom dwelling following demolition of garage; Land to rear of 18 Briston Road, Melton Constable, NR24 2DA for Dial a Worker

WRITTEN REPRESENTATIONS

NORTH WALSHAM - PU/19/0926 - Notification for prior approval for proposed change of use of agricultural building to 1 dwellinghouse (Class C3) and associated building operations; Southcroft, Yarmouth Road, North Walsham, NR28 9AX for Mr & Mrs Carter

WRITTEN REPRESENTATIONS

(b) INQUIRIES AND HEARINGS - PROGRESS

DILHAM - ENF/18/0046 - Change of use from B1 to Sui Generis (Car repairs); Granary Works, Honing Road, Dilham, NORTH WALSHAM, NR28 9PR

INFORMAL HEARING 04 February 2020

(c) WRITTEN REPRESENTATIONS APPEALS - IN HAND

OVERSTRAND - PF/18/1330 - Erection of two-storey dwelling; Land at Arden House, 5 Arden Close, Overstrand, Cromer, NR27 0PH for Mr & Mrs M Storer

RUNTON - ADV/19/0324 - Display of non-illuminated advertisement panel mounted on posts; Dormy House Hotel, Cromer Road, West Runton, Cromer, NR27 9QA for Mr Brundle

HAPPISBURGH - ENF/18/0069 - Land being used for siting a caravan for residential purposes; 17 Rollesby Way, Happisburgh

(d) APPEAL DECISIONS

HAPPISBURGH - PF/19/0294 - Partial demolition of existing buildings and erection of granny annexe; Prospect House, Church Street, Happisburgh, Norwich, NR12 0PN for Mr & Mrs Dixon

APPEAL DECISION:- APPEAL DISMISSED

NEATISHEAD - PF/18/0025 - Change of use of land from sewage treatment works to private recreational use, including erection of polytunnel, storage shed and siting of Shepherd's Hut; Anglian Water Authority Sewage Div Bt 4 and 5, King Street, Neatishead for Mr & Mrs Plater

APPEAL DECISION:- APPEAL DISMISSED

NORTH WALSHAM - PF/19/0069 - Erection of first floor conservatory (retrospective) above existing flat roof extension; Flat 1, Fleet House, 6 New Road, North Walsham, NR28 9DF for Mr Blackmore
APPEAL DECISION:- **APPEAL ALLOWED**

STALHAM - PF/18/2206 - Erection of two-storey building containing two self contained two bedroom flats; 6 St Marys Road, Stalham, Norwich, NR12 9DU for Mrs P Doe
APPEAL DECISION:- **APPEAL DISMISSED**

STIBBARD - PF/19/0118 - Erection of 4no. two storey dwellings (2no. detached two-storey dwellings and a pair of two-storey semi-detached dwellings) with detached cart lodges and new vehicular access; Land South East of Fruit Tree Farm, Guist Bottom Road, Stibbard for Mr & Mrs Spencer Ashworth
APPEAL DECISION:- **APPEAL DISMISSED**

WELLS-NEXT-THE-SEA - PO/18/1281 - Erection of 4 no. dwellings (Outline Application re: Access); The Nurseries, Theatre Road, Wells-next-the-Sea, NR23 1DS for Norfolk Heritage Coastal Developments Ltd
APPEAL DECISION:- **APPEAL DISMISSED**

WELLS-NEXT-THE-SEA - PF/19/0232 - Erection of second storey to an existing attached boat store and workshop and 4.no dormer windows and 1 no. juliet balcony to the south elevation to create additional living accommodation.; Apple Croft, 4 Beldorma Close, Wells-next-the-Sea, NR23 1EE for Mr Kerr
APPEAL DECISION:- **APPEAL DISMISSED**

(e) **COURT CASES - PROGRESS AND RESULTS**

No change since previous report.