

Development Committee



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TO REGISTER TO SPEAK PLEASE CALL 01263 516150

Wednesday, 29 May 2019

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices, Holt Road, Cromer, NR27 9EN** on **Thursday, 6 June 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 **13 June 2019**.

PUBLIC SPEAKING – TELEPHONE REGISTRATION REQUIRED

Members of the public who wish to speak on applications are required to register **by 9 am on Tuesday 4 June 2019** by telephoning **Customer Services on 01263 516150**. 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, 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
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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 23 April 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. NORTH WALSHAM - PF/19/0143 - ERECTION OF A SINGLE STOREY WAREHOUSE BUILDING FOR USE AS EITHER: STORAGE AND DISTRIBUTION (B8 USE CLASS, WITH ANCILLARY OFFICES); AND/OR PLUMBERS/BUILDERS/TILING/FLOORING WHOLESALE MERCHANTS (SUI GENERIS WITH ANCILLARY TRADE COUNTER, SHOWROOM, OFFICES). WITH ASSOCIATED CAR PARKING AND (Pages 1 - 18)

CYCLE STORE; UNIT 1, HORNBEAM ROAD, NORTH WALSHAM
FOR BIRCHWOOD BUILDING

8. 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 (Pages 19 - 32)
9. CLEY-NEXT-THE-SEA - PF/19/0089 - DEMOLITION OF EXISTING AGRICULTURAL BUILDING & ERECTION OF AGRICULTURAL WORKERS DWELLING; LAND WEST OF, HOLT ROAD, CLEY-NEXT-THE-SEA, NR25 7UA FOR MR STARLING (Pages 33 - 48)
10. FAKENHAM - PF/19/0487 - ERECTION OF A PAIR OF ONE BEDROOM SEMI-DETACHED AFFORDABLE DWELLINGS; LAND NORTH OF 77, ST PETERS ROAD, FAKENHAM FOR VICTORY HOUSING TRUST (Pages 49 - 52)
11. OVERSTRAND - PF/19/0399 - INSERTION OF DOOR OPENINGS WITH GLASS BALUSTRADE TO FORM JULIET BALCONY; FERN HOUSE, 19B HIGH STREET, OVERSTRAND, CROMER, NR27 0AB FOR MR MCGIBBON (Pages 53 - 58)
12. APPLICATIONS RECOMMENDED FOR A SITE INSPECTION (Pages 59 - 60)
13. APPEALS SECTION (Pages 61 - 66)
 - (a) New Appeals
 - (b) Inquiries And Hearings – Progress
 - (c) Written Representations Appeals – In Hand
 - (d) Appeal Decisions – Results And Summaries
 - (e) Court Cases – Progress And Results
14. ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE
15. 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

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

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NORTH WALSHAM - PF/19/0143 - Erection of a single storey warehouse building for use as either: Storage and Distribution (B8 Use class, with ancillary offices); and/or plumbers/builders/tiling/flooring wholesale merchants (sui generis with ancillary trade counter, showroom, offices). With associated car parking and cycle store.; Unit 1, Hornbeam Road, North Walsham for Birchwood Building

Major Development

- Target Date: 11 April 2019

- Extension of time agreed until 14 June 2019

Case Officer: Mr James Mann

Full Planning Permission

RELEVANT CONSTRAINTS

Within North Walsham Settlement Boundary within the Core Strategy

Within Site Allocations Policy NW01

Controlled Water Risk - High (Ground Water Pollution)

Private Water Supply on site

Contaminated Land

Major Hazard Middle Zone

Major Hazard Inner Zone

RELEVANT PLANNING HISTORY

PF/13/0866 PF

Land at, Norwich Road, North Walsham, NR28 0DS

Erection of 176 dwellings with access, open space and associated works and formation of station car park and outline application for employment development

Approved 20/08/2014

ADJACENT SITE USE

PF/18/1566

Land at corner of Hornbeam Road and Norwich Road, North Walsham, NR28 0FN

Erection of two storey building for new veterinary centre with associated car parking and access from Hornbeam Road

Approved

PF/17/0831

Land at Corner of Hornbeam Road and Norwich Road, North Walsham, NR28 0FN

Erection of two story building for new veterinary centre with associated car parking and access from Hornbeam Road

Approved 24/11/2017

PF/17/0127

Hornbeam Road, North Walsham, NR28 0FQ

Erection of 2no. two-storey offices with associated car parking and hard and soft landscaping

Approved 05/09/2017

THE APPLICATION

This application seeks to erect a single storey warehouse building for use as either Storage and Distribution (B8 Use class, with ancillary offices); and/or plumbers/builders/tiling/flooring wholesale merchants (sui generis with ancillary trade counter, showroom, offices).

Vehicular access to the site would be from Hornbeam Road. The entrance has been designed to allow an HGV to enter, turn and exit the site forwards. 6 standard car parking spaces, 1 disabled car parking space and a covered bike shelter to fit 10 bikes are proposed.

The site itself is located between residential housing (Hopkins Homes site) to the south and North Walsham railway line and station to the north. The land adjoining the site to the east has been built as per planning permission for a car park (PF/13/0866) and the land to the west of the site has planning permission for a veterinary surgery (not yet implemented: PF/18/1566). The site is approximately 350 meters to the south-west of the defined boundary of the town centre of North Walsham.

PLANNING POLICY AND HISTORY

The application site is brownfield land which was previously H L Foods production and factory premises. The site forms part of allocation policy NW01 within the North Norfolk Site Specific Allocations DPD. The land forming the whole of NW01 is approximately 24.5 hectares and is a mixed use allocation of c.400 residential dwellings, 5 hectares of employment land, public open space and car parking for the railway station.

A large part of the NW01 area is under construction by Hopkins Homes around Hornbeam Road ('The Hopkins Site'). Another significant part of the NW01 area further south on Norwich Road is under construction by Persimmon homes (The Persimmon Site), permission reference PF/15/1010, which is for 100 dwellings (full planning permission) and 0.89ha of commercial space (outline permission).

The Hopkins Site has a "Hybrid" planning permission (reference PF/13/0866) which gave planning consent for 176 dwellings, Public Open Space and the car park, and outline consent for 1.4ha employment land.

The area of Employment land, which the application site forms part of, is within the eastern part of the Hopkins Site where the employment land was approved in principle. A large proportion of the residential dwellings within the Hopkins Site have been constructed. The separation of residential properties and intended employment land is by way of the main road through the site, Hornbeam Road, and the Public Open Space area.

The applicant has provided the following information:

- Design and Access Statement
- Building Elevations, Site & location Plan
- Drainage plan
- Investigation Report/Contamination risk assessment

REASONS FOR REFERRAL TO COMMITTEE

At the request of the Local Member Cllr Nigel Lloyd due to the objections and issues raised by the Town Council.

REPRESENTATIONS

During the two consultation periods 2 representations have been made regarding the proposal. These representations object on the following grounds:

Noise and air pollution

- The additional car movements to and from the site would result in increased noise and air pollution.
- The open ended proposed use of the site could result in noise producing uses and at anti-social hours.

Traffic

- The proposed use of the site for a warehouse building would pose a safety risk to members of the public and nearby residents

Visual impact/ overlooking

- The proposal (and approved Vets) would have an impact upon the nearby residential properties in terms of overlooking and would be considered an eyesore.

Contamination

- Due to the open ended proposed use of the site there is potential for contamination.

CONSULTATIONS

North Walsham Town Council – Object

Object to the application having taken into account the number of issues raised by the Highway Authority

Environment Agency – no objection subject to the use of precautionary conditions

Satisfied with the information supplied within the Ground Investigation Report and the Contamination Assessment and recommend three conditions as follows:

- *Condition 1*
If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

- *Condition 2*
No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.
- *Condition 3*
Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Anglian Water – no objection subject to use of sustainable drainage by condition

- *Wastewater Treatment*
 - *The foul drainage from this development is in the catchment of North Walsham Water Recycling Centre that will have available capacity for these flows.*
- *Used Water Network*
 - *The sewerage system at present has available capacity for these flows via a gravity connection to the public foul sewer. Anglian Water have provided advice and set out 5 informatives in regard to the used water network.*
- *Surface Water Disposal*
 - *Anglian Water's preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to the sewer seen as the last option.*
 - *Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective water drainage strategy is prepared and implemented.*

British Pipeline Agency Ltd – No Objection

Bacton to North Walsham Pipelines not affected. Not aware that any of BPA pipelines apparatus falls within the vicinity of the application.

Network Rail – No comments received

Cadent Gas Ltd, National Grid Plant Protection – No comments received

The Health and Safety Executive (HSE) – Do not advise against

The site is situated within close proximity to the Bacton Gas Terminal pipelines, however HSE does not advise against the granting of planning permission in this case.

Norfolk County Council (Highway) – No objection

Highways initially expressed concerns regarding parking given the potential A1 (retail) use of the site. The trade counter is now proposed to be no more than 10% of the floorspace and, on this basis, the Highway Authority raise no objection to the application because the parking proposed is consistent with the levels required for the specified use as set out in Policy CT 6.

The Highway Authority request the inclusion of two conditions regarding development in accordance with highways specification (TRAD 1), arrangements to ensure that surface water does not discharge from or onto the highways and that the parking and access arrangements are developed in accordance with the agreed plans.

North Norfolk Environmental Health – No objection subject to conditions

Contaminated Land

The Investigation report concludes the absence of elevated contamination including asbestos and no remedial requirements. The degree of proposed hardstanding and building cover mitigate the risk for residual asbestos contamination.

Noise

Initially raised concerns regarding the proximity of the site to the existing residential properties. This concern was raised on the basis that the end use of the site could be B2 (General Industrial Use) or a potentially noise generating sui generis use. However, as the proposal is now for either B8 or a closed list of sui generis uses, Environmental Health raise no concerns regarding noise. Conditions would be sought regarding: details of ventilation, air conditioning, refrigeration etc. to be agreed prior to use; operating hours and hours of delivery; installation of any plant and/or machinery must be agreed prior to installation; details of refuse storage; and details of external lighting.

North Norfolk Conservation and Design Officer – No Objection

The site in question is set back from the primary road frontage and lies within a rather transitional space characterised by new residential development to the south and light-industrial warehouse units alongside the railway line to the north. The architectural context of the site is therefore somewhat mixed. Whilst the adjacent residential properties fronting the east side of Norwich Rd and continuing along Hornbeam Rd are pastiche neo-traditional structures, the nature of the proposed warehouse unit would not necessarily lend itself to any direct interpretation of such architectural style.

The warehouse will be single-storey and its simple form and footprint is reflected in the functionally and utilitarian approach to finishing treatments, openings and detailing. The warehouse has a simple mix of two cladding materials, one primary loading opening and one primary means of pedestrian access. It relies on elongated rooflights as the primary means of natural light.

The approved veterinary surgery which sits directly to the west of the proposed warehouse offers more of a mix of finishing treatments and includes a pantile roof adding connection to its setting. In this instance the proposed warehouse is less prominent and significantly smaller in scale and massing. The veterinary surgery will to a certain extent screen the development from the street scene. Whilst views of the warehouse will be visible from Norwich Rd, particularly on approach to the town centre from the south, these views will be fairly unobtrusive.

The proposed layout leaves little space for any meaningful planting or green edges. C&D would like to see the development softened and landscaped to help the harsh transition from light-industrial to residential. If further planting could be introduced to the southern boundary this would be welcomed and would contribute to this sense of softening and reduction in the expanse of hard surfacing.

Overall, the development carries a rather unfortunate and uneasy interrelationship with the adjacent residential properties, however the warehouse as proposed will not adversely affect the character and appearance of the area. To this end, C&D raise no overriding objection to the application.

North Norfolk Economic Growth Team – Support

There are potential economic benefits that would be derived (job creation, supply chain etc.) and which would serve the wider business community within North Norfolk.

North Norfolk Planning Policy – Further clarification required

Unclear as to what the development proposal is for. If the scheme is delivering job creation in line with Policy SS5 and NW01 then development of the site would be supported, however if the scheme is seeking to deliver a 'retail counter' it would be considered contrary to Policy SS5 and Site Allocation NW01.

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.

RELEVANT POLICIES

**North Norfolk Site Allocations Development Plan Document (DPD) (February 2011)
Policies:**

NW01: Land at Norwich Road/Nursery Drive

North Norfolk Core Strategy Policies (September 2008):

- Policy SS 1: Spatial Strategy for North Norfolk
- Policy SS 4: Environment
- Policy SS 5: Economy
- Policy SS 6: Access and Infrastructure
- Policy SS 10: North Walsham
- Policy EN 2: Protection and Enhancement of Landscape and Settlement Character
- Policy EN 4: Design
- Policy EN 6: Sustainable construction and energy efficiency
- Policy EN 9: Biodiversity and geology
- Policy EN 10: Flood risk
- Policy EN 13: Pollution and hazard prevention and minimisation
- Policy EC 5: Location of retail and commercial leisure development
- Policy CT 5: The transport impact on new development
- Policy CT 6: Parking provision

Other material considerations:

North Norfolk Design Guide Supplementary Planning Document (SPD) (December 2008)

National Planning Policy Framework (NPPF):

- Section 4: Promoting sustainable transport
- Section 6: Building a strong, competitive economy
- Section 7: Requiring good design
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment

OFFICER ASSESSMENT

Main Issues:

- 1. Principle of development**
- 2. Design**
- 3. Transport**
- 4. Amenity**
- 5. Trees and Landscaping**
- 6. Environmental Considerations**
- 7. Flooding and Drainage**

1. Principle of development

Use of the land

The principle of the use of the land for employment development was established through the grant of outline planning within the mixed-use permission PF/13/0866. The outline planning permission in principle remains extant but this is not a reserved matters application pursuant to the outline consent, it is a standalone application. The specific types of employment use required were not stated or required by condition within the outline consent, however Policy NW01, within which this site is situated, requires the provision of buildings for employment uses falling within use classes B1 (office and light industry), B2 (general industry) and B8 (warehouse & distribution). Further to this, Policy SS10 seeks to encourage employment related development in North Walsham.

The site itself is situated within close proximity to the nearby residential properties (approximately 40m) and therefore careful consideration needs to be given as to the types of use that are suitable for this site. The proposal seeks to erect a single storey warehouse for use as either B8 (storage and distribution) or a *sui generis* use (in a class of its own).

A B8 use would accord with Policy NW01. The "*sui generis*" uses proposed would not be in accordance with Policy NW01 however would be in accordance with the wording of the outline planning permission, which allows 'employment uses' on the site. This would also be in accordance with Policy SS10, which seeks to encourage employment related development in North Walsham.

Floorspace and Use Class

The Design and Access Statement sets out that the overall floorspace of the unit would total 441 sqm. of this, it is proposed that the site will comprise no more than 10% of the floor area for a trade counter. Totalling approximately 44 sqm.

Discussions with the applicant have highlighted that a potential end user for the proposal is Screwfix. Two recent examples of Screwfix in North Norfolk are at Fakenham (PF/17/0610) and Cromer (PF/15/0956). Both of these planning permissions have conditions restricting the amount of floorspace for a trade counter. At Cromer this amounted to 20.7sqm., which totalled 5.6% of the overall floorspace proposed. On the Fakenham site the floorspace for the trade counter was originally conditioned to a maximum of 26 sqm. (4.1%), however, this was subsequently varied to 65.5 sqm., totalling 10.5% of the overall floorspace. In line with these permissions it is considered that a 10% total gross floor space provision for a trade counter is considered an appropriate amount of floorspace to be utilised as a trade counter and would remain at the uppermost limit of an ancillary element. It is proposed that this is to be conditioned to a maximum of 10% of the gross overall floor space of the unit.

The inclusion of an ancillary 10% of the floorspace for use as a trade counter may then raise questions around which use class of the Use Classes Order this would then fall within. In regard to Screwfix or similar sales-based format (as potential end uses of the unit), the Cromer permission (PF/15/0956) stated that the proposal for a Screwfix, or similar sales-based format, was considered to be B8 (Storage and Distribution) due to the majority of sales being home deliveries and online sales. However, following the approval there have been a number of appeal decisions that specifically discuss trade counters and B8 uses, and it would not be considered a B8 use today.

In the case of the appeal decision APP/W2456/X/15/3081127, a Lawful Development Certificate Appeal in Leicester, the Inspector decided that even where only 10% of sales were made through the trade counter on site, this would alter the nature of the development from Class B8 use, where such activity would not be expected, to a *sui generis* use (in a class of its own). The inspector concluded that a trade or public retail counter along with the storage and distribution of building materials would result in the operation of a builders' merchants and that this would be a *sui generis* use. In the opinion of officers, it is considered that a Screwfix, or similar sales-based format, should be considered a *sui generis* use within the Use Classes Order.

In the case of this proposal Officers consider that a B8 use on this site will be acceptable with an ancillary office element only. Where a trade counter is required, then it is considered necessary for this to be limited to a maximum of 10% of the total gross floor space, as indicated within the

applicant's Design and Access Statement; doing so would create a *sui generis* use within the terms of the Use Classes Order and would be contrary to policy NW 01.

Predicted job creation

Job creation figures between different employment use classes can be compared through the Home and Communities Agency (HCA) Employment Density Guide 2015, which provides a guideline matrix of employment densities by planning classification. Whilst it is recognised that within each sector there may be a degree of variation, it is a useful tool to identify the number of Full Time Equivalent (FTE) staff that could be expected per square metre of employment land. The employment density matrix indicates that:

- B1a (office) use would typically aim to support 1 job per 12sqm.;
- B1c (light industrial) would support 1 job per 47 sqm.;
- B2 (industrial and manufacturing) would support 1 job per 32sqm.; and,
- B8 (storage and distribution) would support approximately 1 job per 70 to 95 sqm.

If the proposal for 441sqm. total floorspace were to be developed solely for one of these uses this would support the following number of Full Time Employees (FTEs):

- 441sqm. Floorspace for B1a (office) use would typically aim to support approximately 37 FTEs;
- 441sqm. Floorspace for B1c (light industrial) would support approximately 9 FTEs;
- 441sqm. Floorspace for B2 (industrial and manufacturing) would support approximately 14 FTEs; or
- 441sqm. Floorspace for B8 (storage and distribution) would support approximately 5 to 6 FTEs.

On this basis it is considered that an equivalent Reserved Matters proposal could be developed for any of the above use classes, as per the outline planning permission (PF/13/0866) and be in accordance with Policy NW01 and create a minimum of 5 FTEs. The Design and Access statement for this proposal suggests that the unit would generate approximately 8 FTEs, exceeding the level of jobs that would typically be created from a B8 Use.

This level of job creation would be similar to a level which was originally expected with the extant outline planning permission which allows Employment Uses on the site. The proposed job creation is supported by Economic Growth Team who set out that the proposal would serve the wider business community within North Norfolk.

Summary

The proposal seeks to provide a unit falling within either the B8 Use class with an ancillary office or operating as a *sui generis* use with ancillary trade counter, office and showroom. Policy NW01 seeks to ensure that employment uses on the site are within the B1, B2 and B8 Use Classes. However, the outline planning permission for the site supports 'employment uses'. Policy SS 10 also seeks to encourage employment related development in North Walsham.

The proposal seeks to provide a higher level of job creation than the calculations for those which might be expected for a B8 use. Creating 8 full time employees. This is supported by the Economic Growth Team, which considers this proposal would have a positive impact upon the wider business community within North Norfolk.

Notwithstanding that the proposal is contrary to the policies set out with the Development Plan by being outside a B1, B2 or B8 Use, it is considered there are appropriate operational reasons, employment gain and economic benefit to demonstrate this use follows the general aims of the development plan and is a use appropriate to the employment area defined by the outline planning permission PF/13/0866. As such the principle of development in this location is considered to be acceptable for either a B8 use or the sui generis use proposed.

2. Design

Building and street scene

The single storey warehouse building proposed is 7.8m in height. The simple form and footprint of the building is reflected in the functional and utilitarian approach to finishing treatments, openings and detailing. The building comprises one primary loading opening and one primary means of pedestrian access. It relies on elongated roof skylights as the primary means of natural light.

The proposal is adjacent to the approved Veterinary Surgery (PF/18/1566), which provides more of a mix of finishing treatments and includes a pantile roof reflecting its important location on the frontage and corner of Norwich road and Hornbeam Road. The proposed warehouse is less prominent and significantly smaller in scale and mass (this proposal is 7.8m in height, the approved veterinary surgery is 9.45m in height). As a result of the height, scale and location of the proposed Veterinary Surgery, the proposal would be largely screened from the Norwich Road, with only limited views potentially and would, therefore, have less of an impact upon the street scene.

The residential properties to the south of the proposed warehouse are pastiche neo-traditional structures and the proposed warehouse would not lend itself to a direct interpretation of this style. However, the proposed planting of six Field Maple trees to the south of the building would soften the boundary to the site and reduce the impact of the development on the residential street scene of Hornbeam Road.

In some circumstances this design approach would be considered to be disappointing and not in conformity with the high design standards set out within the North Norfolk Design Guide. However, given the setting of the proposed scheme, it is considered to be in accordance with Policies EC2, EC4 and the principles set out within the North Norfolk Design Guide.

Materials

The proposal seeks to utilise a combination of flat and box profile insulated panels in a combination of dark and light grey colours to complement one another. Galvanised half round gutters will be fitted giving a striking appearance against the insulated panels.

On viewing the materials submitted by the applicant, Conservation and Design Officers have no further comments regarding the materials and no longer require a condition to be added in this regard. The materials proposed are considered to be in accordance with Policy EC4 and the principles set out within the North Norfolk Design Guide.

Trees

The constrained size and layout of the site provides limited opportunities for screening. A total of six Field Maple Trees are proposed on the scheme. Three of these are along the street frontage and three of these are to the west of the main building. The intention of these trees is to provide some form of screening of the proposed development and to reflect that Hornbeam Road caters for both residential properties and employment uses. The proposal is considered to be in accordance with Policies EN 2 and EN 4 of the Core Strategy.

3. **Amenity:**

Policy EN4 of the Core Strategy sets out that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. The North Norfolk Design Guide (2008) provides further guidance on how proposals can reduce the detrimental effect on residential amenity. Through the two consultation periods a number of issues have been raised in regard to proposed noise, traffic amenity implications and overbearing design affecting residential properties.

Noise

Representations have highlighted the proximity of the proposed development to the existing residential properties and the potential impact upon residential amenity. Environmental Health Officers consider that for the uses proposed a noise study is not required. However, conditions would be required to set out that if any machinery were to be used that may generate increased noise a Noise Impact Assessment would be required. Conditions will also be required to approve noise insulation details of any ventilation/ air conditioning units/ mechanical extraction units prior to installation. Further conditions are also required regarding the hours of operation (both of machinery and deliveries and opening hours to the public) to ensure that the development does not have a significant negative impact upon nearby residential amenity.

Environmental Health Officers have set out that these should reflect the nearby Baker's Builders Merchants which have the opening hours 07:30 to 17:30 hours Monday to Friday, 07:30 to 17:00 hours on Saturdays, nor at any time on Sundays, Bank or Public Holidays. The use proposed on the site would have a less intensive end use than the Builder's Merchants and could potentially have more of a retail element on the site.

The applicant is proposing that the hours should reflect Screwfix on nearby industrial estates (Cromer and Fakenham), which operate 7:00 to 20:00 hours Monday to Friday, 07:00 to 18:00 hours on Saturdays and 09:00 to 16:00 hours on Sundays, Bank or Public Holidays. It is considered that the proposal is within closer proximity to nearby residential properties than the schemes at both Cromer and Fakenham and therefore the hours are not considered appropriate in this context.

It is therefore proposed that a condition would limit the hours of operation from 07:30 to 18:30 Monday to Friday, 07:30 to 18:00 hours on Saturdays and 10:00 to 16:00 hours on Sundays, Bank Holidays or Public Holidays.

Traffic

The site was allocated through site NW 01 in the Site Allocations Development Plan Document. The allocation proposed a total of 5 hectares of B Class (B1, B2 and B8) Employment Land within the site. The outline permission (PF/13/0866) was granted for the erection of 176 dwellings and the employment area. At this stage the highway authority accepted the principle of traffic being generated from B1, B2 and B8 uses. For B2 (General Industry) this could result in Heavy Goods Vehicles running along Hornbeam Road. The most intensive use would be B1 (offices) and could result in high levels of traffic at peak hours. The principle of the use of the employment area for Employment Traffic has been established through the outline planning permission.

Norfolk County Council Highway authority initially raised concern regarding the proposal, due to the open uses proposed. In particular, the Highway Authority were not accepting of the proposed element of A1 use on the site and the implications this may have in terms of traffic movements. This objection has subsequently been removed from the proposal and the Highway Authority have raised no objection to the proposal for either a local plan compliant B8 use or the proposed “*sui generis*” use.

The impact from the level of traffic generation is considered acceptable given the context of the overall flow of traffic along Hornbeam Road from the residential development and other employment sites.

Loss of Privacy

Concern has been raised that the building would create a loss of privacy to neighbouring dwellings. The North Norfolk Design Guide provides guidance in regard to the position of dwellings, and the arrangement of windows or private garden areas. This sets out that a Primary (having main windows to living rooms) to Primary outlook should have a distance of at least 21m. The proposal is not for a residential use, but officers consider that The Design Guide provides a suitable upper benchmark in terms of the potential for overheating impact. The design of the building only illustrates that there will be one window facing toward the residential properties. This window is approximately 40m from the nearest property. Furthermore, the hours of operation are to be limited through condition. It is considered that given the distance between the proposed building and the nearest neighbouring residential properties, combined with the expected use of the land and the design and size of the building there would not be an unacceptable impact upon neighbour amenity.

In addition to this the revised scheme proposes three Field Maple Trees to the southern boundary of the scheme. Whilst this will not screen the development in its entirety, this will add to the street scene and reduce the potential harm to residential amenity and reduce the perceived sense of proximity/increase the sense of separation.

4. Transport:

Highways

The site would be accessed off the Hornbeam Road. The principle of employment development on this land has been established through the outline planning permission (PF/13/0866) and the allocation through Policy NW 01.

Norfolk County Council Highways initially raised objections in regard to the proposed A1 use on the site and the open nature of the application. The description was then revised, the floorspace was reduced and restricted to a maximum of 10% floorspace for the trade counter. On this basis the Highway Authority have raised no objection to the scheme because the proposal fits within the uses expected by the outline planning permission.

Parking

Policy CT6 sets out that adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development and that proposals should make provision for vehicle and cycle parking in accordance with the Council's Parking Standards.

Appendix C, 'Parking Standards', sets out that the following spaces are required for each of the B Use Classes floorspace requires the following parking criteria:

- B8: 1 car parking space per 150 sqm. 5 cycle parking spaces per 400sqm.

This proposal for 441 sqm. of floorspace would require the following car parking spaces for B8 Class Use:

- B8: 3 car parking spaces and 10 cycle parking spaces required

There is a potential for the site to also fall within the Sui Generis use class with an element of A1. A1 requires 1 car parking space for every 20sqm and 3 cycle spaces for every 300sqm. Further calculations have been made to address the parking requirement for a sui generis use of 90% B8 (Storage and Distribution) and 10% A1 (trade counter). On the basis of this the scheme would need to provide the following:

- 90 % B8 and 10% A1: 6 car parking spaces and 8 cycle spaces.

In addition to this, provision should be made for people with disabilities of at least 6% of the maximum car parking standards, provided over and above the agreed general car parking provision for non-residential developments. Given the scale of this site, if the scheme were B8 or "*sui generis*" this would require a minimum of 1 disabled parking space.

The parking scheme has been developed to accommodate this need, proposing 6 standard parking spaces, 1 disabled car parking space and a covered bike shelter to fit 10 bikes. It is considered that this would meet the requirements for a B8 use on the site and the proposed *sui generis* use with greater retail character. Norfolk County Council Highways Authority have raised no objection in regard to the amount of parking on site. The level of parking proposed is in conformity with Policy CT6 of the Core Strategy.

5. Environmental considerations

Contaminated Land

A condition for investigation and remediation of contamination of the site was attached to the previous planning permission, PF/13/0866. To address this requirement, a Ground Investigation Report and a Contamination Assessment for the proposed commercial development have both already been undertaken. Fieldwork was carried out for both studies on the 21 February 2019.

The Contamination Assessment sets out the approach towards the analysis of Intrusive Investigation, Quantitative Contamination Risk Assessment, Human Health Risk Assessment,

and proposed a number of risk management and mitigation measures. The study concludes that the site is suitable for the proposed commercial end use and sets out a number of key findings:

- *Chemical analysis revealed no elevated concentrations of potential contaminants within the made ground, which, given the proposed end use would result in low risk to human end users;*
- *Asbestos was not recorded in the samples of made ground by a historical trial pit along the north western edge recorded asbestos. The site has been stripped and levelled and the risk from asbestos fibre release is considered to be low to the end users of the development;*
- *Low concentrations of organic contaminants that could permeate water supply pipes were recorded and it is recommended that the pipes are placed in natural soil or placed in a clean surround where placed within the depth of made ground. The specification of any buried pipework should be agreed with the local water utility prior to installation; and*
- *Low to very low risk to groundwater and surface water respectively give the low likelihood of mobile or leachable contamination, the distance to significant surface water and anticipated depth of groundwater.*

The Ground Investigation Report sets out the laboratory test findings and sets out an engineering interpretation. The report sets out that the main findings are as follows:

- *Deep made ground was encountered across the site;*
- *Perched water was encountered within one of the test samples (where the soakaway is proposed);*
- *Groundwater was not encountered;*
- *Footings for the proposed dwelling should be founded upon the medium dense to dense sand; and*
- *Sump pumping may be required to ensure dry conditions for ground work*

Environmental Health Officers and the Environment Agency are satisfied with the information supplied in the reports. The Environment Agency recommend a number of conditions regarding contamination not previously identified, and restrictions in regard to drainage systems and in regard to piling or any other foundation designs using penetrative methods.

A condition is therefore required that any buried pipework is agreed with Anglian Water prior to installation.

Subject to these conditions the proposal is considered to be in accordance with Policy EN 13 of the Core Strategy.

Gas Pipelines

It is noted that the gas condensate pipeline runs close to the site, however BPA pipelines have confirmed that no pipelines or apparatus fall within the vicinity of the site.

Cadent Gas have not objected to the proposal but have previously given advice to the applicant that there should be no development within 10 metres of a gas governor at the front of Norwich Road. This has been observed and the building has been sited accordingly.

The site is within 150m of a facility associated with Bacton Gas Terminal which is notified as a Lower Tier establishment under the Control of Major Accident Hazards Regulations 2015 (COMAH), which has an exclusion zone for certain forms of development. The site is outside the Health and Safety Executive (HSE) defined exclusion zone, so does not require constraints on design or operation. Further to this, the HSE assessment states that planning permission should not be refused on safety grounds.

The proposal is considered to be in accordance with Policy EN 13 of the Core Strategy.

6. **Flooding and Drainage:**

The entrance and parking area will be laid to permeable tarmac with an additional gravel trap along the edge of the parking area to aid in very heavy rainfall conditions. Roof surface water will be collected in a 36m³ soakaway which is located under the landscaped area at the front of the site.

Permeable Tarmac

The entrance and parking area will be laid to permeable tarmac. This permeable tarmac seeks to ensure free draining whilst acting as a pollutant filter, removing contaminants prior to discharge. Permeable tarmac has the benefit of reducing surface water runoff and maintaining water quality. This also includes a granular reservoir beneath the surface tarmac layer, which would attenuate surface water runoff, delaying the instantaneous run off associated with impermeable surfaces. The proposed gravel trap, which runs along the western boundary of the proposed parking area, is intended to ameliorate impacts from intense / heavy rainfall events.

The ongoing maintenance of the permeable tarmac would be carried out by the applicant/site management using a suction road sweeper and would not require the need to disturb or reconstruct the pavement. A condition is required to ensure that full details of the drainage scheme are provided and a management and maintenance plan is agreed prior to commencement.

Surface Water Soakaway

A 36m³ Soakaway is proposed on the site to collect surface water runoff from the roof of the proposed building. The drainage *Simulation for Surface Water* report, submitted as part of this application provides the supporting evidence for the size of the Soakaway.

Within the report it is set out that percolation tests were undertaken in March 2019 based on guidance set on BRE 363 and Part H of the Building Regulations. The drainage system has been designed based on the slowest infiltration rate recorded. This has also been designed to the critical 1 in 100-year storm event with 40% climate change in accordance with Section 14 of the NPPF. A safety factor has also been added to ensure that the modelling is sound.

Based on the results of the percolation tests a max volume of 30.3m³ was recorded. It is therefore considered that the proposed 36m³ provides sufficient volume to account for surface water runoff. The findings of the report were discussed informally with an officer from the Lead Local Flood Authority to ensure that the appropriate assumptions and models were used.

The Environment Agency (EA) were keen to avoid deep-discharge soakaways, but the ground investigation report and the contaminated land investigations confirmed the absence of any groundwater within 3.10m depth across the wider development area. The proposed soakaway would discharge at 1.2 m depth and the limited contaminants found are not likely to be mobilised by transferable leaching from the soakaway into groundwater. The EA have raised no objections

to the scheme, but are awaiting further clarification regarding a condition proposed in relation to the use of surface water drainage. An update will be given verbally to Planning Committee regarding this.

The permeable tarmac and surface water soakaway are considered to be in accordance with Policy EN10 of the Core Strategy.

Conclusion and Recommendation

It is recognised that the proposal is contrary to the land use principle policies set out with the Development Plan by being "*Sui Generis*" rather than the allocated B1, B2 or B8 Use. However, it is considered there are appropriate operational reasons, employment gain and economic benefit to demonstrate this use follows the general aims of the development plan and is a use appropriate to the employment area defined by the outline planning permission PF/13/0866. As such the principle of development in this location is considered to be acceptable, within the context of the local plan when taken as a whole, for either a B8 use or the "*sui generis*" use proposed.

The proposal seeks to provide a higher level of job creation than the calculations for those which might be expected for a B8 use. Creating 8 full time employees. This is supported by the Economic Growth Team, who consider that this proposal would have a positive impact upon the wider business community within North Norfolk.

In some circumstances this design approach may be considered to be disappointing and not in conformity with the high design standards set out within the North Norfolk Design Guide. The setting of the proposed scheme and development impact will be softened and effectively assimilated by screening from the Norwich Road. On balance it is considered that the proposals will be in accordance with Policies EC2, EC4 and the principles set out within the North Norfolk Design Guide.

It is considered that the proposal would not have any significant detrimental impact upon residential amenity. The building would be approximately 45m from the nearest dwelling and six Field Maple Trees would provide a level of screening between the proposed building and Hornbeam Road. Further to this operating hours are to be restricted to reduce and the use of the building is to be restricted. Those measures will ensure that if any noise impacts are restricted to the less sensitive general working hours of the day.

Norfolk County Council Highway originally had concerns regarding the amount of parking spaces proposed on the site given the open list of potential uses on the site. However, as the description of the proposal has been refined to include only a B8 or *sui generis* use the Highway Authority have removed their objection to the scheme and conclude that the proposed parking is in line with their requirements.

The proposal is supported by a Contamination Assessment and Ground Investigation Report, which the Environment Agency and North Norfolk Environmental Health Officers consider to be satisfactory. Given the end use set out within the proposal it is considered that the risk is mitigated against. Notwithstanding this a number of precautionary conditions are proposed to ensure there is no significant impact upon groundwater and the potential end users of the site.

The proposal is considered to be broadly in accordance with the policies within the Development Plan and it is considered that the application should be approved. There are no material considerations that indicate the applications should be determined otherwise.

RECOMMENDATION: APPROVAL

The development is considered to be in accordance with the requirements of the Development Plan. There are no material considerations that indicate the application should be determined otherwise. Approval is therefore recommended subject to conditions as set out below in addition to any others which may be considered necessary by the Head of Planning. These are summarised as follows:

1. Commence within 3 years – standard time limit
2. Development in accordance with approved plans received by the LPA on the dates listed below:
 - BB-001-C (Received 26 April 2019) Building Elevations
 - BB-002-C (Received 26 April 2019) Site & location Plan
 - BB-003-C (Received 26 April 2019) Drainage Plan

For the avoidance of doubt, the materials to be used are as per the details set out within the Design and Access Statement (Received 2 May 2019).

3. Building use to be restricted to B8 or the closed list of *sui generis* uses without LPA express permission
4. The trade counter floorspace area to be restricted to no more than 44sqm (10% of the overall floorspace)
5. Operating hours to be restricted to 07:30 to 18:30 Monday to Friday, 07:30 to 18:00 hours on Saturdays and 10:00 to 16:00 hours on Sundays, Bank Holidays or Public Holidays.

Prior to commencement:

6. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA
7. Surface Water Drainage/ Soakaway designs and management to be agreed by the LPA in consultation with Anglian Water and the Environment Agency
8. Contamination – precautions during construction
9. Remediation Verification Report

Prior to construction:

7. Hard landscaping to be agreed with the LPA, must include the permeable tarmac.
8. Soft landscaping to be planted in accordance with plan BB-002-C (Received 26 April 2019) Site & Location Plan
9. Soft landscaping to be replaced if it fails within 10 years
10. Management and Maintenance plan for the permeable tarmac
11. Management and Maintenance plan for landscape
12. Scheme to demonstrate that water supply pipes will be protected from surrounding contamination as per the Contamination Assessment (JAH/19.091/CA).

Prior to occupation /use:

13. SHC 5 - provide vehicle access to TRAD 1 access specification

14. SHC 16 – provide visibility splays to highways satisfaction
15. SHC 20 - provide car and bike parking and loading / turning etc. in accordance with the approved plans (BB-002-C).
16. Noise Impact Assessment required for any non-hand-held machinery and hydraulic tools
17. Plant and machinery, ventilation and extraction equipment to be agreed with the LPA
18. No installation of any external lighting without details being agreed first by the LPA

**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**

Minor Development

- Target Date: 27 November 2018

Case Officer: Phillip Rowson

Full Planning Permission

CONSTRAINTS

Countryside

Conservation Area

RELEVANT PLANNING HISTORY

PU/15/1249 PUA

Barn at Westgate Farm East, Warham Road, Binham, Norfolk

Prior notification of intention to convert agricultural building to a dwelling (C3)

Approval - Prior Approval Given 15/10/2015

PF/15/1748 PF

2 Westgate Barns, Warham Road, Binham, FAKENHAM, NR21 0DQ

Conversion of single storey agricultural barn to one dwelling - Approved 01/02/2016

PF/18/0921 PF

2 Westgate Barns, Warham Road, Binham, FAKENHAM, NR21 0DQ

Variation of condition 2 (approved plans) of planning permission PF/15/1748 to allow for changes to position of openings, internal walls and corrections to size and position of building - Approved 12/07/2018

THE APPLICATION

Seeks permission to convert and extend a traditional single storey "U" shaped building in order to create a three bedroom dwelling with detached double cart shed garage / store shed.

Access to the site would be via the existing driveway off the Warham Road.

This application was first reported to development Committee on 17 January 2019, members deferred the application in order to visit the site. The application was returned to Development Committee on 28 March 2019, at that time members voted 5 in favour to 8 against when requested to support the officer's recommendation. The item was then moved for deferral and deferred (10 votes in favour, 0 against and 3 abstentions) for the following reason:

"That consideration of this application be deferred to seek revisions to landscaping and fenestration and an updated Arboricultural Assessment."

The Committee minute is attached (**Appendix 1**) to this report.

Those additional considerations have now been resolved and the item is reported back to the first available development committee.

A newly elected member's cohort was returned by the May 2019 District Council Elections, and a new Development Committee constituted since that most recent deferral. New Members of the Development Committee have been invited to attend a site inspection on 30 May 2019 to ensure they are familiar with the site and development proposals and are in an appropriate position to determine this matter.

REASONS FOR REFERRAL TO COMMITTEE

At the request of the Development Committee and Head of Planning following the deferral from the meeting of 28 March 2019.

The item was referred to committee by the then ward Councillor V Fitzpatrick for the following reason:

"I have given this application careful consideration. I believe that the application is within policy and should be approved. I realise that you are minded to recommend refusal. If that is still the case, I would like the application to be determined by the Development Committee."

Officers continue to operate under that request.

PARISH/TOWN COUNCIL

Binham Parish Council - No response

REPRESENTATIONS

Two Former members of the Development Committee have written jointly to confirm that their understanding of the meeting of 28 March was of Member support for the application. A view is given that a positive decision would be forthcoming upon resolution of matters relating to windows, trees and landscaping. Retention of heritage buildings is important and potential exists for this building to be lost.

CONSULTATIONS

Conservation and Design Officer – Revised plans submitted on 8 April meet with the satisfaction of the Conservation, Design and Landscape Team Leader, no objections are raised on the matters of fenestration. Concerns regarding the scale extent and detrimental impact on character of the new build elements remain.

Initial Objection - Due to the number of new window openings and the new build elements this latest conversion scheme would fail to respect the simple character and utilitarian appearance of the host building.

Environmental Health - No objection subject to the inclusion of an advisory note on any permission relating to contaminated land / asbestos.

Landscape Officer – Revised plans submitted on 8 April meet with the satisfaction of the Landscape officer in terms of proposed Landscaping and Arboricultural Assessment received on 8 April 2019 and detailed on plan number 518/18/LD01Rev B.

Initial Comments - no objection in principle subject to conditions securing mitigation measures to protect biodiversity and to secure landscaping.

County Council (Highway) - Cromer – No objection subject to the imposition of appropriate conditions.

HUMAN RIGHTS IMPLICATIONS

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

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

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

Having considered the likely impact on an individual's Human Rights, and the general interest

of the public, 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 SS 1: Spatial Strategy for North Norfolk
Policy SS2: Development in the Countryside
Policy HO9: Conversion and re-use of rural buildings as dwellings
Policy EN 4: Design
Policy EN 6: Sustainable Construction & Energy Efficiency
Policy EN 8: Protecting and enhancing the historic environment
Policy CT 5: The transport impact on new development
Policy CT 6: Parking provision

Supplementary Planning guidance:
North Norfolk Design Guide (2008)

Nation Planning Policy Framework (NPPF): 2018:

Section 5. Delivering a sufficient supply of homes
Section 12. Achieving well-designed places
Section 16. Conserving and enhancing the historic environment

MAIN ISSUES FOR CONSIDERATION

1. Principle of development
2. Design
3. Heritage
4. Amenity
5. Highways

APPRAISAL

The application was deferred at the meeting of Development Committee on the 17 January 2019 in order to allow Members to visit the site. When represented to members on 28 March 2019 the matter was deferred as detailed at the start of this report.

Since deferral, revised plans have been submitted and the subject of re-consultation with consultees. This revised plans have satisfied concerns of the consultees on matters of fenestration landscaping and arboriculture.

1. Principle of development

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 settlement hierarchy and within the designated countryside area 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 designated Countryside are listed under policy SS 2; this includes the re-use and adaptation of buildings for appropriate purposes.

Policy HO9 then specifically considers the conversion of buildings in the countryside to residential use. The policy requires that proposals will only be permitted where the building

meets the specified criteria including, but not limited to:

- The building is located within an area identified in the Proposals Map for that purpose
- That the building is worthy of retention due to its appearance, historic, architectural or landscape value, and;
- That the building is structurally sound and suitable for conversion to a residential use without substantial rebuilding or extension and the alterations protect or enhance the character of the building and its setting, and;
- The scheme is of an appropriate scale in terms of the number of dwellings proposed for the location.

Since adoption of the Core strategy in September 2008 planning policy and case law has moved forward. It is important that the policy is not slavishly adhered to where more recent development indicate otherwise. This approach requires flexibility when assessing the relevant criteria of policy H09.

Locational Controls:

The publication of revised National Planning Policy Frameworks in 2012 and 2018 have essentially removed location (first bullet point) from the list of national planning policy considerations. Indeed, paragraph 79 of the latest NPPF expressly states that building conversions should be regarded as an acceptable form of development in isolated locations. It follows that if such proposals are acceptable in 'isolated' locations they must be equally acceptable elsewhere. Reflecting this, and similar advice in the 2012 NPPF, the Council has not been imposing locational controls in respect of proposals for building conversions for some time.

Alongside the changes to the NPPF government has also introduced new permitted development allowances providing for the conversion of existing agricultural buildings to dwellings without the need to secure formal planning permission.

The Part Q allowances, the NPPF, and Policy H09 of the Core Strategy are concerned with the conversion and re-use of existing buildings. Those allowances are not spatially restrictive, i.e. do not require compliance with the core strategy Proposals Map.

Worthy of retention:

These national policy changes and new permitted development allowances influence the relevant weight which should be afforded to consideration of the building as being 'worthy of retention'

The existing building is a typical of agricultural building and although small in scale does include the use of timber boarding and terracotta clay pantiles, it is in a simple C shape layout with crew yard. In essence the building is unexceptional, but is a recognised feature within the local landscape. Paragraph 79 of the National Planning Policy Framework is again relevant. The provision for made is where 'the development would re-use redundant or disused buildings and enhance its immediate setting'. This does not in itself require that the building must be worthy of retention in terms of its architecture, landscape or some other historic or social justification. The position moves to simply requiring that the building must enhance its immediate setting. I will return to a full assessment of the impact of the development on its immediate setting later in this section of the report.

Please note that the policy requirements should no longer require that the building is worthy of retention.

The NPPF is a material consideration, and as such officers consider that the 'worthy of

retention' carries very limited weight, in addition, the relaxation of permitted development rights for agricultural buildings allows the conversion of such buildings under part Q, without any need for such buildings to be 'worthy of retention'. Clearly the first criteria of Policy H09 is out of step with the NPPF.

Structural Integrity

Whether the building is structurally sound and suitable for conversion to a residential use without substantial rebuilding or extension and the alterations protect or enhance the character of the building and its setting remains a material consideration both within Part Q permitted development conversions and in recent case law. The proposals should demonstrate that the building is capable of conversion without substantial rebuilding.

The application is supported by a Visual Structural Appraisal (VSA), prepared by a consulting engineers submitted in September 2018. The report has some limitations, it is a short textual update supported by photographs, it was a visual inspection only, and was submitted as an update to a previous report which supported a previous planning permission for the reuse of this building. Both reports conclude that subject to mitigating recommendations the building is capable of being reused without substantial demolition and rebuilding of the existing structure, if minded to grant this may be controlled by suitably worded planning conditions.

Substantial extension:

Prior notification for conversion of the existing building to a dwelling was approved by the Local Planning Authority in October 2015, this required that the fabric of the building was kept largely intact and was not subject to significant extension or alteration. From that point a planning application (PF/15/1748) submitted convert the building into a dwelling, this was approved in February 2016.

In 2018 a further application was received (PF/18/0921) seeking changes to the 2015 permission including the position of openings, internal walls and corrections to size and position of building. This was approved in July 2018 with a three-year implementation period. As such there is a valid permission to convert the building which could be implemented subject to the discharge of any pre commencement conditions. This approval forms a fall-back consideration in the current case as the applicant's inform officers that that permission was commenced (not completed).

The scheme approved in July 2018 was based on the original footprint of the building and creates a floor area of some 150 sq. metres. The conversion achieves a three-bedroom dwelling with lounge, dining room, separate kitchen and three bathrooms.

The current proposals are assessed under planning policy requirements and finally against the recent approval (PF/18/0921) as a fall-back position. The current proposals would involve infilling the open courtyard to the southern elevation, a new small extension to the north eastern corner, and erection of a detached garage / store which combined would add a floor area of some 152.8 sq. metres to the existing building. Given that the existing floor area of the building is circa 150 sq. metres the proposals seek to extend by creation of new buildings to create a footprint which effectively doubles floor space. Even when applying substantial flexibility then the proposals must be considered a substantial extension of the existing building which cannot be compliant with this criteria of policy H09.

Appropriate scale in terms of number of dwellings:

In terms of the number of dwellings proposed for the location – a single dwelling is proposed to be formed. As a single dwelling then it is considered to be appropriate in terms of the overall size of the site, the layout of the development, the living conditions that would be provided for the future occupiers including provision of private amenity space. The site is accessed via

narrow private lane; the Highway Authority have not raised any concerns in terms of the impact on the local road network. The proposals are considered to comply with this criterion.

With regard to the criteria of policy HO9 above, then it is clear that the proposal are appropriate in terms of the number of dwellings being created; that a visual inspection has been updated and that suitable conditions can be imposed to ensure that the structure of the building can be largely retained during conversion. It is considered locational requirements for conversions such as this will not be pursued; and that it will no longer be materially relevant to consider whether or not the building is in itself worthy of retention. Critically, the conversion cannot be considered as anything other than a substantial extension of the existing building and also proposes an ancillary garage and store. On this basis alone then the proposals cannot be argued to be fully compliant with policy HO9.

It is therefore considered as a matter of principle the proposals will comply with the requirements of policy SS1 and SS2.

A key criteria of policy HO9 cannot be met, the requirement to convert without substantial extension.

The requirement for the proposed alterations to protect or enhance the character of the building and its setting will be considered within the design and heritage sections of this report. Matters of Sustainable Construction & Energy Efficiency; the transport impact on new development and parking provision will also be considered before the proposals are then balanced against the policies of the local plan when considered as a whole.

2. Design

The current building is a simple 'U' shaped form with walls primarily of horizontal timber boarding under a clay pantile roof. The only exception being the two south facing gables which are of a weathered concrete block construction. The building is proposed to be re-clad in brick, with terracotta pantiles being reclaimed for the building or otherwise appropriately sourced.

The scheme proposes infilling of the courtyard to the southern elevation with a flat roofed extension, which incorporates a large glazed lantern light serving the dining / sitting room. The proposals have been amended to include a part pitch gabled form on their southernmost extremity which completes the infill section. The elevations are held back from the existing gables by a return of approximately 1M which is designed to create the impression of light and shade over the southern elevation so as to appear similar in appearance to that already existing. The infill extension connects the two south facing wings creating a kitchen, snug and hall. It is proposed that the gables to the outer wings would be reconstructed in facing brick (as would the southern wall of the flat roofed extension).

In addition, a small extension is proposed projecting out in a northerly direction from the north eastern corner of the building. This would contain a bathroom and plant room and would be again be clad facing brick. The ridge and eaves height of the building would be maintained on the northern extension.

The scheme seeks detached garage and store to the northern eastern corner of the site, this is 10.2 metres in length, with an eaves height of 2.8 metres and ridge of 5.8 metres and is of brick and clay pantile construction.

It is still considered that due to its scale, massing and location the garage / store would be out of scale with the rest of the building and would fail to preserve or enhance the setting of the existing building.

The infilling of the open courtyard to the southern elevation would significantly alter the form,

character and appearance of the original building. The simple C shape layout is all but lost in its entirety.

The conversion now provides appropriate use of existing openings and treatment of those new and where required existing openings is considered appropriate in the amended form, as requested by members at the march meeting.

Officers recognise that the applicant has striven on a number of occasions to meet concerns of officers and the Development committee. It is understood that some significance can be attached to the resolution of windows and doors in the proposed scheme. However, it remains a concern that the overall scheme of conversion remains reliant on an unacceptable level of infilling to the Courtyard and addition of garage block and store. These elements fail to comply with the strict requirements of policy EN4. Extensions and alterations in conversion proposals will be expected to be suitably designed for the context within which they are set and to ensure that the scale and massing of buildings relate sympathetically to the surrounding area. Furthermore, it should be noted that the North Norfolk Design Guide, in particular Section 7 - Conversions, which suggests that schemes for conversion should avoid any works which otherwise rob the building of its context, original architectural features and interest 9 (in this case layout).

The proposals do not comply with Policy EN4 and the North Norfolk Design Guide (2008).

3. Heritage

The proposals are set in the open landscape to the south of the ribbon development along the Warham Road the building is seen against the backdrop of the conservation area to the north from the surrounding countryside. The building and majority of the application site are not within the Binham Conservation Area, the northern part of the garden and driveway is within the designated area. There are limited, glimpsed views of the building when looking south from the access, and from some vantage points along Warham Road. The building and proposals will also be viewed via the proposed access from Warham Road.

Development Committee is required by Sections 66 (1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act 1990) to have special regard to the "desirability of preserving" the character and appearance of conservation areas. This means that the desirability of preserving the setting of and character and appearance of conservation areas is not merely a material consideration to which appropriate planning weight can be attached, but it is a legal obligation to have 'special regard' or pay 'special attention' to these matters. When a local authority finds that a proposed development would harm these matters, it must give that harm considerable importance and weight as a matter of law. There is effectively a statutory presumption against planning permission being granted where such harm arises. That presumption can be waived only in exceptional circumstances where other material considerations, including the public benefits of a proposal, demonstrably outweigh the harm created on the heritage asset.

Development Committee should also take into account the advice contained within the National Planning Policy Framework (NPPF), which specifically addresses the need for conserving and enhancing the historic environment, in particular paragraph 193, which states:

'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 (and the more important the asset, the greater the weight should be)...'

Paragraph 196 goes on to state: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its*

optimum viable use’.

Considerable weight must therefore be given to the preservation of heritage assets including their setting.

In considering development proposals affecting heritage assets, Core Strategy Policy EN 8 sets out that *‘the character and appearance of conservation areas will be preserved and where possible enhanced’*. However, this element of Core Strategy Policy EN 8 is now out of step with the guidance set out in the NPPF which is more permissive towards allowing development affecting heritage assets but only where there are clear and convincing public benefits in favour, and in accordance with the statutory requirements set out above.

The NPPF defines setting of a heritage asset as the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, and may affect the ability to appreciate the significance or may be neutral. Significance is defined as the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset’s physical presence, but also from its setting.

The proposals do not result in substantial harm to the conservation area, or its significance as a heritage asset. The amendments now included give acceptable fenestration and landscaping. These changes help to assimilate the proposals in the wider landscape. Despite these changes the alterations to the building retain a significant extension and new build element. It is those aspects that present harm to the heritage asset, i.e. the setting of the conservation area. The proposals fail to respect the simple character and utilitarian appearance of the host building, the harm that arises is mitigated to some extent by limited views from Warham Road and the rising landform that offsets views to the site from the public footpath to the South of the application site. As above, landscape planting and design changes do help to mitigate that impact but the simple harm created by significant extensions and new build cannot be lost entirely. The harm created is assessed as laying at the lower end of the spectrum but will impact upon the setting of the Conservation Area.

Having measured this less than substantive harm, I turn to the wider benefits that can be delivered from the proposals, re-use and adoption of the building, a new home as a conversion, inclusion of a sustainable geothermal energy project, an elderly local couple will be able to live within the village and function effectively as an extended family with their grandchildren.

I am persuaded that the less than substantial harm that arises to the character and appearance of the wider Binham Conservation Area carries a weight that cannot be outweighed by those material benefits listed above, either when considered singularly or in combination. As such the proposals are contrary to the provisions of Local Plan Policy EN8, Sections 66 (1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act 1990); and Paragraphs 103 & 196 of the NPPF.

4. Amenity

Due to its location being set some 50 metres from the Warham Road it is not considered that the scheme as proposed would give rise to any amenity issues in respect of the neighbouring properties in terms of potential overlooking or loss of light.

5. Highways

The Highway Authority has indicated that the revised scheme does not raise any issues in terms of highway safety.

6. Sustainable energy provisions

The applicant proposes to utilise a sustainable geothermal energy heating system, and has specifically designed the layout of the conversion to maximise solar gain within the building. The infilling of the crew yard is considered to reduce potential heat loss by reducing the length of external perimeter walls. The layout ensures room share readily accessed from a central living area. Further additions may be secured by the use of planning conditions to ensure that low water volume fittings are added, are high levels of insulation are provided. In this way provisions can be made which will satisfy local plan policy EN6, and our drive to low carbon future.

7. Fall-back

When examining the fall-back position then I see a previous permission (PF/18/0921) which adheres closely to the existing template of the building which required no extension to facilitate a three bedroomed dwelling, and relied upon only a hardstanding area for parking to the rear of the building.

The applicants suggest that environmental, sustainability, amenity considerations may mitigate a more favourable consideration:

- Solar gain, providing main living accommodation to south facing elevations,
- Provision of a ground source heating supply (extension to north east corner houses plant),
- Unrealistic storage and parking provisions within the approved scheme, vehicles and domestic paraphernalia being stored externally,
- Meeting the families housing requirements by living as an extended family within the same village
- Overcoming a compromised internal arrangement / circulation space within the approved scheme

It is reasonable to agree that at least some of these elements may offer a proportionality which can mitigate some increase in floor space. However, the doubling of floor space to encompass all of these elements is excessive and cannot be considered to establish a more desirable fall-back position than the approved scheme. It is entirely conceivable that the existing building may be redesigned to accommodate a more effective internal arrangement / use of circulation space; modest alterations may be made to relocate living space / accommodate solar gain. Similarly, geothermal / other sustainable energy sources or sustainable resolutions may be delivered without requiring the wholesale change proposed.

8. Conclusion

On the basis of the above assessment then the proposals result in a development which cannot comply with local plan policy requirements under HO9 & ENV4; further that the national plan policy and legislative requirements requirement to preserve and enhance the Conservation Area cannot be met. The mitigation offered is genuine and is materially helpful to the consideration of planning balance, but when taken within the context of the wider local plan cannot suitably mitigate the harm created by the significant extension and alterations proposed. In such circumstances then the implementation of the previously approved planning application PF/18/0921 is assessed as being preferable as a fall back consideration.

RECOMMENDATION:

Refuse planning permission on the following grounds:

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

Policy SS 1: Spatial Strategy for North Norfolk
Policy SS2: Development in the Countryside
Policy HO9: Conversion and Re-Use of Rural Buildings as Dwellings
Policy EN 4: Design
Policy EN 8: Protecting and enhancing the historic environment
Policy CT 5: The transport impact on new development

National Planning Policy Framework - Paragraphs 79 and 193

In the opinion of the Local Planning Authority the proposed conversion scheme, due to the extent of new build, would result in a significant increase in the scale and massing of host building which would fail to protect or enhance the character and appearance of the building and its setting.

Furthermore, due to its form, bulk, general design, the proposed conversion scheme would fail to respect the simple character and utilitarian appearance of the host building.

The proposal is therefore contrary to the above Development Plan policies.

28 MARCH 2019

Minutes of a meeting of the **DEVELOPMENT COMMITTEE** held in the Council Chamber, Council Offices, Holt Road, Cromer at 9.30 am when there were present:

Councillors

Mrs P Grove-Jones (Chairman)

Mrs S Arnold	N Pearce
Mrs A Claussen-Reynolds	Ms M Prior
Mrs A Fitch-Tillett	R Reynolds
Mrs A Green	R Shepherd
N Lloyd	B Smith
Mrs B McGoun	

J Rest – substitute for Mrs V Uprichard

Mrs S Bütikofer – The Runtons Ward
 T FitzPatrick – Walsingham Ward
 N Smith – Erpingham Ward
 Ms K Ward – Glaven Valley Ward

Officers

Mrs S Ashurst – Development Manager
 Mr N Doran – Principal Lawyer
 Mr R Parkinson – Major Projects Team Leader
 Miss J Medler – Development Management Team Leader
 Mrs C Dodden – Senior Planning Officer (Development Management)
 Mr J Mann – Senior Planning Officer (Major Projects)
 Mr C Reuben – Senior Planning Officer (Development Management)
 Miss J Smith - Senior Planning Officer (Development Management)
 Miss L Yarham – Democratic Services and Governance Officer

172. APOLOGIES FOR ABSENCE AND DETAILS OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Mrs V Uprichard. There was one substitute Member in attendance.

173. MINUTES

The minutes of meetings of the Committee held on 28 February 2019 were approved as a correct record and signed by the Chairman.

174. ITEMS OF URGENT BUSINESS

None.

175. DECLARATIONS OF INTEREST

<u>Minute</u>	<u>Councillor:</u>	<u>Interest</u>
176	Mrs A Fitch-Tillett	Applicant is personal friend
177	R Reynolds	Received email and telephone call

177	Ms M Prior	Received email and telephone call
177	Mrs A Green	Had met the applicants
179	All Members	Had been lobbied
180	R Shepherd	Applicant is personal friend

PLANNING APPLICATIONS

Where appropriate the Planning Officers expanded on the planning applications; updated the meeting on outstanding consultations, letters/petitions received objecting to, or supporting the proposals; referred to any views of local Members and answered Members' questions.

Background papers, including correspondence, petitions, consultation documents, letters of objection and those in support of planning applications were available for inspection at the meeting.

Having regard to the above information and the Officers' reports, the Committee reached the decisions as set out below.

Applications approved include a standard time limit condition as condition number 1 unless otherwise stated.

176. 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

The Committee considered item 2 of the Officers' reports.

Public Speaker

Peter Gidney (supporting)

The Development Manager presented the report. She read to the Committee the comments of the Landscape Officer, who did not object to the principle of the development subject to conditions in respect of protected species. However, the Landscape Officer was concerned that the development proposal as amended would result in the loss of additional trees, and therefore an amended Arboricultural Impact Assessment would be required. In addition, additional landscaping was required to mitigate for the loss of additional trees: further detail should be submitted.

The Development Manager presented plans and photographs of the site. She recommended refusal of this application as set out in the report. She stated that an additional reason for refusal might need to be included, relating to the inadequacy of the information submitted with regard to the trees.

The Development Manager read to the Committee the comments of the local Members, who were unable to attend the meeting.

Councillor V FitzPatrick did not agree with the Officer's recommendation for refusal on grounds that the proposal did not respect the form of the existing building. He considered that the proposed dwelling was appropriate for the location and that it would enhance the immediate setting by bringing a redundant agricultural building back into use as a family home and should therefore be approved.

Councillor S Hester supported the Officer's recommendation.

Councillor Mrs A Fitch-Tillett stated that she had sympathy with the applicant and the site was stunning. However, she was unhappy that the site was outside the

development area and within the AONB, and very close to the dark skies area. She was concerned at the additional windows and light pollution. With regret, she proposed refusal of this application.

Councillor Mrs A Green considered that the proposal would make good use of a modest agricultural building of sound construction, which would not require additional extensions except for a small building to house a ground source heat pump. She considered that conversion would only be practical by incorporating the courtyard, and the proposed lantern would be hidden. She considered that issues regarding the windows could be resolved and moving the garage had avoided the need for an extension. She proposed approval of this application.

Councillor Mrs B McGoun seconded the proposal to refuse this application.

Councillor R Reynolds considered that the original proposal with an attached garage was overbearing and was pleased that the garage had been separated as it would retain the existing vista. He considered that the building should be retained and that the issue regarding the trees could be resolved.

The Development Manager confirmed that only the entrance and driveway to the barn were within the Conservation Area, but the setting of the Conservation Area was relevant to this application. She also confirmed that the site was not within the AONB.

In response to a question by Councillor Mrs S Arnold regarding measurements, the Development Manager stated that she could not give the exact square metreage but Policy HO9 included outbuildings as well as extensions to the main house.

Councillor Mrs S Arnold considered that the building could be converted to a very good family house. The overall increase in size was not overbearing. She supported the application with the proviso that the landscape plan for the woodland area was submitted and further consideration given to the windows and doors.

Councillor N Pearce supported the application. He considered that the location allowed for some flexibility and the proposal would bring the building back into use.

The Development Manager advised that if Members were minded to approve this application should be deferred for revisions to the design and submission of information regarding the trees and landscaping.

The proposal to refuse this application in accordance with the recommendation of the Head of Planning was put to the vote and declared lost with 5 Members voting in favour and 8 against.

It was proposed by Councillor J Rest, seconded by Councillor R Reynolds and

RESOLVED by 10 votes in favour, 0 against and 3 abstentions

That consideration of this application be deferred to seek revisions to landscaping and fenestration and an updated arboricultural assessment.

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CLEY-NEXT-THE-SEA - PF/19/0089 - Demolition of existing agricultural building & erection of agricultural workers dwelling; Land west of, Holt Road, Cley-Next-The-Sea, NR25 7UA for Mr Starling

Minor Development

- Target Date: 21 March 2019

Case Officer: Miss J Smith

Full Planning Permission

CONSTRAINTS

SFRA - Fluvial 1% AEP + 35% CC
SFRA - Fluvial 1% AEP + 65% CC
SFRA - Risk of Flooding from Surface Water + CC
SFRA - Fluvial 0.1% AEP + 25% CC
SFRA - Flood Zone 2
SFRA - Flood Zone 3A
SFRA - Flood Zone 3B
SFRA - TDL 0.1% AEP + CC
SFRA - Tidal 0.5% AEP +CC
SFRA - Flood Warning Area
SFRA - Areas Susceptible to Groundwater Flooding
SFRA - Flood Alert Area
EA Risk of Flooding from Surface Water 1 in 1000
Area of Outstanding Natural Beauty
Undeveloped Coast
Countryside
Conservation Area
C Road

RELEVANT PLANNING HISTORY

PLA/19980328 EF

COOKE'S MARSH, HOLT ROAD, CLEY

CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF LAND FOR THE STORAGE OF FISHING AND ASSOCIATED EQUIPMENT

Approved 29/06/1998

PLA/19980420 EF

COOKE'S MARSH, HOLT ROAD, CLEY

CERTIFICATE OF LAWFULNESS - PLANT HIRE AND GROUND WORK BUSINESS

Approved 30/12/1998

PF/13/1077 PF

Land at Cooks Marsh, Holt Road, Cley-next-the-Sea, Holt, NR25 7UA

Erection of winter cattle store and feed store

Approved 06/11/2013

THE APPLICATION

The application seeks permission to erect a two bedroom detached agricultural workers dwelling with a workshop at ground floor level and residential accommodation at first floor level. The scheme provides parking and manoeuvring for a minimum of three cars, residential amenity space and bin storage. The site is located on land surrounded by marshland currently used in association with the keeping of beef cattle.

The dwelling would comprise red facing brickwork at lower level with timber boarding at upper level under a profile metal sheet roof. The proposed building will replace an existing single

storey storage building.

The site is located along the western side of Holt Road in Cley-next-the Sea where access to the site would be via a private unmade track.

Member's attention is drawn to the submitted supporting information provided by the agent regarding the schemes compliance with local and national policies relating to the principle of development, design, impact upon the character of the countryside and heritage assets. The agent disputes the basis of the objections raised by the Environment Agency.

Officers are of the opinion that, despite the further information submitted by the agent, this does not change the policy position regarding the planning merits of the application, as detailed in the report below.

REASONS FOR REFERRAL TO COMMITTEE

At the request of the former Ward Member Councillor David Young to assess the issue of building within the Flood Zone and the Area of Outstanding Natural Beauty set against the need for an agricultural workers dwelling.

PARISH/TOWN COUNCIL

Cley Parish Clerk: Supports the application as it will allow a young family to move back into the Parish.

REPRESENTATIONS

Two Letters of objection have been received detailing the following material planning considerations:

- Risk of fluvial and tidal flooding on the site.
- The need for an agricultural worker has not been established.

CONSULTATIONS

County Council (Highway): No objections subject to the imposition of a condition ensuring access and onsite parking and turning area.

Norfolk Coast Partnership: No response received.

Environmental Health: No objection subject to the imposition of a condition regarding the investigation into possible contaminants.

Environment Agency (EA): Objection (comments of the 14th February 2019). The EA is of the opinion that the submitted Flood Risk Assessment (FRA) does not comply with paragraph 149 of the NPPF which requires local planning authorities to adopt proactive strategies to adapt to climate change, taking full account of flood risk and coastal change. In particular:

Fluvial Flood Risk - Actual Risk

- The River Glaven is undefended and the fluvial risk is an 'actual risk'. The most likely risk is therefore from the fluvial River Glaven where the EA is of the opinion that different climate change allowances have been used than those advised within the Planning Practice Guidance.
- The submitted FRA has not considered a satisfactory way of determining future fluvial flood levels.
- Whilst the planning application details a higher refuge at first floor available within the two storey development, as the climate change allowance has not been satisfactorily determined the depth of flooding is unknown including whether the development would flood at first floor level. Consequently, there may be an unacceptable risk to the health

and safety of the occupants in a flood event above the 1 in 1000 year fluvial flood event plus climate change.

Tidal Flood Risk – (Actual Risk) - The site is protected from tidal risk by defences which protect to the 1 in 200 year annual probability flood event (lifetime of the development). If the SMP policy is not taken forward the defences would overtop and actual risk from overtopping of the current defences if they are not raised in line with the SMP where flood levels could reach 3.1m AOD (defended 1 in 200cc) and 5.5m AOD (defended in 1:1000cc). The latter would be 1.21m above first floor level.

Tidal Flooding (Breach/Residual Risk) - The EA consider that the site is expected to flood from tidal flooding in an undefended situation. Based on the finished first floor level of 4.29m AOD in an undefended/breach situation, the site could experience depths of flooding up to 1.21m above first floor level in the undefended 0.5 (1 in 200) with allowance for climate change and up to 1.97m above first floor level. The proposed dwelling does not have safe refuge in a tidal extreme event of 1 in 1000 with climate change.

Sustained EA objection (comments 6 March 2019) due to the following areas:

- Incorrect methodology applied to demine future fluvial flood levels.
- It is unknown whether the building would have safe refuge in the event of fluvial flooding with 25% allowance for climate change in an extreme event.
- The proposed dwelling does not have safe refuge in a tidal extreme event of 1 in 1000 with climate change.

Landscape Officer: Objection. This site is within a highly sensitive landscape, designated Norfolk Coast AONB, the Cley and the Glaven Valley Conservation Areas and within the Undeveloped Coast.

The site is set within an open low-lying meadow which provides valuable natural open space, an important landscape feature separating the settlements of Wiveton and Cley. The existing single-storey farm buildings accessed via an unmade track on this site form low key features within this otherwise open landscape. The erection of a large detached two-storey building will introduce a degree of light pollution and domesticity to this area of open undeveloped landscape and as such is considered to be inappropriate development for this site.

The development would have an adverse impact on the defined special qualities of the Norfolk Coast AONB. In particular the 'Sense of remoteness, tranquillity and wildness' in this part of the AONB, partly gained by the dark night skies and low level of development.

For the reasons stated it is considered that the development would be contrary to Core Strategy Policies, EN 1, EN 2, EN 3 and EN 4 and therefore recommend refusal.

Conservation and Design Officer: Objection. The site is situated within the Cley and Glaven Valley Conservation Area. The site is isolated (physically and visually disconnected) from the settlement envelope and development pattern and accessed via a discrete unmade track off the Holt Road. The discrete and largely verdant character and appearance of the site ensures its existing presence cannot be overly felt within the highly sensitive landscape and historic environment context.

The site currently encompasses a number of single storey unremarkable built structures, including a fairly ramshackle tin shed, open metal framed shelter and a blockwork barn. There is a temporary and transient feel to the existing built form of the site which carries an overriding sense of informality and ad-hoc nature to how the site has evolved. The proposal to erect a two-storey building comprising a workshop and an agricultural workers dwelling would

represent a marked change to the sites character and its impact on the wider landscape. The application raises the following concerns:

- Position and siting – This sites informal character of low lying structures carry little presence and visual impact. Formalising the site through permanent residential occupation and domestication would carry harm to the unspoilt landscape setting of the area.
- Form and scale –The height and massing of the two storey development represents a significant increase in the existing built form. The rise in height of the buildings on site would increase visibility from further afield and the sites presence will be more readily felt from a number of key vantage points within the Conservation Area.
- Treatment and detailing – the design of the building is functional and utilitarian, perhaps to be expected given the associated use. However, this has also translated into some rather unfortunate details including the flat roof dormers which awkwardly cross cut eaves level, the fenestration proportions and areas of glazing which fail to translate to the vernacular styling of the host building.

It is therefore considered that the proposal:

- fails to comply with Policies EN4 and EN8 of the LDF Core Strategy.
- fails to preserve or enhance the character and appearance of the two designated conservation areas (i.e. it would not pay due regard to s72 of the 1990 Act)
- fails to accord with para 193 and 196 of the NPPF.

For the reasons stated it is considered that the development should be recommended for refusal.

Emergency Planning Officer: Objection, based on the following:

- The proposed development is in Flood Zone 3 and does not pass the sequential or the exception test.
- Planning Policy Guidance states that there should be no internal flooding in 'more vulnerable' developments from a design flood, however the ground floor of the building will be inundated to 300mm, before climate change allowances are applied.
- While the upper storey could be considered a place of refuge for a short period of time it will not be suitable for an extended period (no power etc.).
- The FRA does not state the depth to which this escape route (vehicular access route) would be flooded. However, the FRA suggests that this would exceed 15/30cm depths (maximum recommended depths for traversing floodwater by pedestrian and vehicular modes respectively) over the lifetime of the development.
- The fall-back position, if not evacuated in time e.g. in a breach of the flood defences, is for the occupants to seek temporary refuge upstairs. The first floor is the planned place of refuge but the building has not been designed to facilitate rescue from this location (i.e. external metal staircase).
- It is possible that the duration of flooding would prevent vehicular access by the emergency services for an unacceptably long period.
- The EP makes no reference to the evacuation of any animals.
- The emergency services are not listed as a consultee.
- Given the flood level from tidal flooding in an undefended situation will increase the scale of any evacuation and increase the burden on the emergency services.
- The proposed risk of flooding in a breach is not considered to be acceptable or safe.

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 (2008)

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS 2: Development in the Countryside

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 3: Undeveloped Coast

Policy EN 4: Design

Policy EN 8: Protecting and enhancing the historic environment

Policy EN 9: Biodiversity and geology

Policy EN 10: Flood Risk

Policy EN 13: Pollution and hazard prevention and minimisation

Policy CT 5: The transport impact on new development

Policy CT 6: Parking provision

National Planning Policy Framework (2019)

Section 2 – Achieving sustainable development

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

Statutory duties

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty.

There is a duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000).

When considering any planning application that affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area (S72 Listed Buildings and Conservation Areas Act, 1990).

MAIN ISSUES FOR CONSIDERATION

1. Principle of Development
2. Flooding
3. Landscape
4. Heritage
5. Design
6. Amenity
7. Highways

APPRAISAL

1. Principle of Development

Policy SS 1 sets out the Spatial Strategy for North Norfolk and identifies settlements where new development will in principle be permitted. The remainder of the district is designated as Countryside and within it development is restricted to particular types of development. These are set out in Policy SS 2 which does not allow for new dwellings except in exceptional circumstances, one of which being dwellings required by agricultural or forestry workers. In addition, Policy HO 5 allows for development to meet the housing needs of full-time workers in agriculture, forestry and other essential workers connected with the land but only where the proposals comply with a number of criterion.

The Council engaged an agricultural consultant to review the planning application in terms of the essential need argument and any financial issues that arise from the proposal, as well as the general running of the farming enterprise. The existing and aspirational farming enterprise of the applicant is as follows:

7. The applicants supporting statement indicates that he lives in Field Dalling several miles from the site but that he visits the site daily.
 - The unit is run as a smallholding describing it as a family run business where he spends his spare time (evening and weekends) when not working on his main business of landscaping and plant hire contracting.
 - The business contains 30 cattle in total of which around 10 are breeding cows together with a bull and young stock of various ages. There is a desire to increase the numbers of breeding cows to nearing a 100 head of cattle with around 30-35 breeding cows.
 - The site contains a modern livestock shed suitable for housing and feeding the cattle over winter including an area of hardstanding for the storage of silage and straw.
 - The land holding extends to around 20 acres (8 hectares) of which 0.5 acres are owned and a further 2 acres adjacent are rented with some additional land held on a more loose arrangement. Additional land is said to be available however, little information regarding location, tenure or condition was provided.

Policy HO 5 of the adopted Core Strategy is quite clear in that the need for an agricultural workers dwelling within a 'countryside' location will only be supported in exceptional circumstances where both the functional and financial need has been established. Taking account of the appraisal of the scheme provided by the agricultural consultant and compliance with the criteria of Policy HO 5 of the adopted Core Strategy, all of which must be met. The Officer Assessment is as follows:

Criteria 1: That there is an essential need for one or more full time workers to be readily available at most times for the enterprise to function properly;

The agricultural consultant has provided detailed comments on the planning application and it is clear from both his views and an Officer opinion, that whilst it would be both desirable and convenient for the applicant to live on site, it has not been demonstrated that this is essential for the enterprise to function properly. Given the current livestock numbers, size of the holding, nature of the tenure and available security measures, it has not demonstrated that there is a functional need for a worker to live on site. It is considered that the business would need more than 100 cattle for the unit to become viable without an additional income.

The proposals fail to comply with this criteria.

Criteria 2: The functional need could not be met by another existing dwelling on the site of the enterprise or in the immediate vicinity;

The application submission states that the applicant could not afford to purchase housing in

the immediate vicinity/nearby villages. Whilst the agent has submitted a brief assessment of the average house price in Cley to purchase or rent, Officers do not consider this to be a full assessment of other available properties which are closer to the site than Field Dalling. Furthermore, the applicant has not demonstrated whether the funding source identified for the proposed dwelling would not also be available for the alternative purchase of a nearby house. Therefore, the Council cannot be satisfied that a property within the Cley area or another nearby village would be beyond the applicants means.

The proposals fail to comply with this criteria.

Criteria 3: That the business has been established for at least three years and is profitable.
The application submission has not provided financial information regarding profit or turnover to confirm that the business has been in profit for the last three years or is in fact an ongoing viable business. In light of the agricultural consultant's report, the relatively limited size of the holding and the fact that the majority of the land is held on rental or short term agreements, the financial sustainability of the unit would appear limited to one of low level profits or self-sufficiency where it would not be considered sufficient to equate to one full time permanent worker.

The proposals fail to comply with this criteria.

Criteria 4: The proposal does not represent a replacement of another dwelling on the site that has been sold on the open market in the last five years, and;
There is no evidence to suggest that this has occurred. The proposals comply with this criteria.

Criteria 5: The proposed dwelling is no larger than that required to meet the functional needs of the enterprise, nor would it be unusually expensive to construct in relation to the income that the enterprise could sustain in the long term.
Despite the agent submitting an indicative cost of the proposed dwelling based on £1500 m2 (a commercial building rate) equating the total build cost to be £180,000. The application has not been supported by any financial information regarding the profit and turnover of the business. Therefore, the Local Planning Authority is unable to assess whether the construction of the house would be affordable on the basis of the viability of the business. The proposed size of the dwelling (2 bedroom) does not appear to be larger than required.

The proposals fail to comply with part of this criteria.

Temporary Dwelling

Policy HO 5 of the adopted Core Strategy states that where accommodation is required in relation to a newly created enterprise and where there has been insufficient time to demonstrate financial soundness, permission may be granted for a temporary dwelling in the form of a caravan or wooden structure which can easily be dismantled or removed from the site. This has also been recommended for investigation by the agricultural consultant. However, given the site context in both the functional and fluvial flood plain (zones 2, 3a and 3b), a temporary dwelling in the form of a caravan or wooden structure would not comply with Policy EN 10 of the adopted Core Strategy or Section 14 of the NPPF regarding flood risk.

To conclude, Officers consider that it has not been demonstrated that there is a functional need for a worker to live on site, the business case has not been proven nor have the financial tests been met, and insufficient information regarding alternative accommodation available has not been provided sufficient to justify the new dwelling. The development is therefore unjustified having found that there are no special circumstances to warrant a new isolated dwelling in the countryside. Therefore, the proposal is contrary to the requirements of policies SS 1, SS 2 and HO 5 of the adopted Core Strategy and would not comply with the exceptions noted under Paragraph 79 of the NPPF.

2. Flood Risk

The site lies within Flood Zones 2, 3a and 3b and subject to both fluvial and tidal flooding as identified on the Councils updated Strategic Flood Risk Assessment (SFRA 2017). The applicant has submitted a Flood Risk Assessment (FRA) and a Flood Evacuation Plan, as well as supporting information in relation to applying the Exception Test. Both the Environment Agency (EA) and the Councils Emergency Planner have objected to the proposal on the following grounds.

Fluvial Flooding

The submitted FRA does not comply with paragraph 149 of the NPPF, which requires local planning authorities to adopt proactive strategies to adapt to climate change, taking full account of flood risk and coastal change. The submitted FRA has not considered a satisfactory way of determining future fluvial flood levels and has used different climate change allowances to those advised within the Planning Practice Guidance. The resulting effect is that flood risk mitigation measures to address flood risk for the lifetime of the development included in the design event are inadequate because they will not make the development resilient to the flood levels for safe, dry refuge above the 1 in 1000 annual probability flood level with climate change.

The proposed building would flood internally by an unknown depth and as climate change has not been correctly considered it is unknown as to whether the development would flood at first floor level. Consequently, there may be an unacceptable risk to the health and safety of the occupants in a flood event above the 1 in 1000 year fluvial flood event with climate change.

Tidal Flooding

The EA has confirmed that the site is currently defended through The Hunstanton to Kelling Hard Shoreline Management Plan (SMP). The SMP currently has a policy to 'Hold the Line' until 2105. This means that the site is protected by the existing flood defences and is not at risk of flooding under the present day 1 in 200 annual probability flood event. The EA advises that the defences will continue to offer protection over the lifetime of the development. The lifetime of a residential development is generally considered to be 100 years. If the SMP policy is not taken forward the defences would overtop and the development would be unsafe in the future.

However, the EA has advised that the SMP policy to 'Hold the Line' is aspirational and subject to future funding. Therefore, given that the site is located in Flood Zone 3a and 3b, it is classed as a 'more vulnerable' development as defined in the Planning Practice Guidance (PPG) and has a high probability of flooding should the defences not be maintained.

Despite the site not being at risk of flooding in the 1 in 200 annual probability flood event subject to the SMP policy. The EA advise that there is an actual risk from overtopping of the current defences if they are not raised in line with the SMP where at the end of the development lifetime the 1 in 200 annual probability flood level, including climate change, flood levels could reach 3.11m AOD. The resulting actual risk depth of flooding on the site using the minimum site level of 2.5 m AOD would be 0.61 m deep, and in the building using the proposed finished first floor levels of 4.29m AOD **would be dry by 1.18m from site level.**

Furthermore, at the end of the development lifetime with climate change applied to the design 1:1000 annual probability flood event, if the SMP policy is not followed then, through overtopping of the current defences, the resulting on-site flood level would be 5.5m AOD. The resulting actual risk depth of flooding on the site using the minimum site level of 2.5 m AOD would be 3m deep, and in the building using the proposed finished first floor levels of 4.29m AOD and **would flood at 1.21m above first floor level.**

Put simply, the site will flood if the SMP policy is not followed through. Overtopping of the flood defences in both the 1:200 and 1:1000 annual probability flood events would occur, the latter resulting in flooding above the first floor level.

The worst case scenario is that the defences are not maintained and a breach of the flood defences occurs. This is deemed as “residual risk”. Having reviewed the floor levels of the proposed development, the EA consider that the site is expected to flood from tidal flooding in an undefended situation. Based on the finished first floor level of 4.29m AOD in an undefended/breach situation the site could experience depths of flooding up to **1.21m above first floor level** in the undefended 1 in 200 with allowance for climate change and up to **1.97m above first floor level** in the undefended 1 in 1000 with allowance for climate change.

EA guidance states that proposals for ‘more vulnerable’ development should include floor levels set no lower than 300 mm above the level of any flooding that would occur if defences were overtopped in a 1% / 0.5% flood event (including allowances for climate change). Safe refuge should also be provided above the 1 in 1000 undefended/breach flood level. Therefore, not only will the site flood in every scenario, the EA raise an objection as the proposal does not provide safe refuge in the tidal extreme event in the 1 in 1000 undefended/breach flood level.

Sequential and Exception Test

Where development is proposed in a high risk flood zone it is for the Local Planning Authority to apply the Sequential Test and if necessary the Exception Test in accordance with the NPPF. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding.

The Sequential Test is set out in Paragraph 158 of the NPPF where it states;

The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

In this case, the site lies within flood zones 2, 3a and 3b. It is therefore necessary for the applicant to demonstrate that a sequentially preferable location would be unavailable to accommodate the proposed development. Only where there are no alternative reasonably available sites elsewhere in areas at a lower risk of flooding should sites in flood zone 3 be considered. No such assessment of sites has been provided with the application. Furthermore, the proposal is not considered to have passed the functional need for the applicant to permanently reside on site as required by Policy H O5 of the adopted Core Strategy. The Local Planning Authority therefore considers the sequential test has not been passed.

If it were accepted that the sequential test had been met, the applicant would need to demonstrate compliance with the exceptions test, as detailed in Paragraph 160 of the NPPF.

- *the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- *the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

In respect of the exceptions test, both elements should be satisfied for any development to be permitted.

With regard to the first element, whilst the agent contends that the provision of the dwelling and business would provide wider sustainability benefits to the community. It is considered that a net increase of 1 dwelling to the housing supply would be limited. Additionally, given the small scale size of the business and limitations to its expansion, the contribution that the proposal would make both economically and socially is modest where this is not considered to outweigh the risk of flooding. With regards to the second part of the test, any application would need to demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both the EA and the Council's Emergency Planner do not consider that the FRA has demonstrated that the development will be safe for its lifetime. Therefore, the application fails to comply with the exceptions test.

Food Evacuation and Response Strategy

Whilst a Flood Response Strategy has been provided as part of the FRA, the Council's Emergency Planner has confirmed that they are not satisfied that the scheme can demonstrate that the occupants would be safe from a fluvial or tidal flood event. Furthermore, they are not satisfied that adequate flood resilience, resistance and mitigation measures including a flood evacuation plan has been provided or that future occupants (and animals) would have a safe access/egress during a flood event.

Summary

The site is within Flood Zones 2, 3a and 3b where Officers consider that the Sequential and Exception tests as set out in the NPPF have not been met. The EA considers that the submitted FRA has not considered a satisfactory way of determining future fluvial flood levels and has used different climate change allowances than those advised within the Planning Practice Guidance. Therefore, the risk in a fluvial flood event cannot be fully determined. Furthermore, the application has not demonstrated that the development will be safe in the life time of a flood event or that the site would have safe refuge in an extreme flood event. Additionally, the submitted FRA is not considered to have satisfactorily demonstrated adequate flood resilience, resistance and mitigation measures including a flood evacuation plan and that future occupants (and animals) would have a safe access/egress during a flood event. Therefore, Officers consider that the proposed development is not in accordance with the adopted Core Strategy Policy EN 10 and Section 14 of the NPPF.

Whilst the agent contends the grounds of the objection from the EA in terms of the methodology used for calculating the fluvial flood, in light of the agent's additional submission in support of the application, Officers have queried the floor level calculations used by the EA. Members will be updated orally at the meeting.

3. Landscape and Visual Impact

The site is located within a sensitive designated landscape, set within the Norfolk Coast Area of Outstanding Natural Beauty (AONB) and Undeveloped Coast. The combination of wide former estuary landscapes with large skies make the site and its surrounding environs typical of the feature landscapes of this part of the AONB.

In considering landscape impact, Policy EN 2 of the Core Strategy requires development proposals to be informed by, and sympathetic to, the distinctive landscape character type. As identified in the North Norfolk Landscape Character Assessment (June 2009 SPD), the site lies within the Large Valleys Landscape Type (LV3 Wiveton to Letheringsett) and is characterised by strong historical coastal appearance where the landscape is very sensitive to minor changes in architectural or land use, where particular issues such as creeping

suburbanisation could create a generic appearance. Outdoor lighting, extensions to garden areas (especially on the floor of the valley where these have an adverse effect on ecology) and means of enclosure (fences, inappropriately fancy walls and gates etc.) would all have a detrimental effect on character.

Whilst the proposed dwelling would be located on the footprint of an existing single storey building, it is significantly larger in form, scale and massing and will result in increased visual presence in the wider landscape. Furthermore, it is considered that permanent residential occupation and intensification of development with associated domestication would be at odds with the landscape type qualities noted within the North Norfolk Landscape Character Assessment. It is therefore considered that the proposed development does not comply with Policy EN 2 of the adopted Core Strategy.

Members will be aware that the Council is out for consultation on the First Draft Local Plan which if adopted will replace the current North Norfolk adopted Core Strategy (2008). Part of the evidence base for the First Draft Local Plan includes the Draft Landscape Character Assessment (November 2019). Whilst limited weight can be afforded to the document at this stage, it is observed that the risk of suburbanisation continues to be recognised as having a detrimental effect on the River Valley landscape character. Thus reaffirming the Council's position of the landscape impact of the proposed development.

The site lies within the designated Norfolk Coast AONB. Policy EN 1 of the Core Strategy states that development proposals that have an adverse effect on the special qualities of the AONB 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. This approach accords with Paragraph 172 of the NPPF which requires great weight to be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.

The site lies within an area classified as 'Undeveloped Coast' where Policy EN 3 of the adopted Core Strategy states that 'within the Undeveloped Coast, only development that can be demonstrated to require a coastal location and that will not be significantly detrimental to the open coastal character will be permitted'. The purpose of the designated Undeveloped Coast is to maintain the special undeveloped character and appeal of the coastal region where non-essential development in such locations can have a resultant cumulative effect on the landscape and on biodiversity, resulting in the gradual 'creep' of development into protected areas and erosion of landscape character. This can become further pronounced as a result of additional light pollution associated with such development.

It is not considered that the proposed use 'requires' a coastal location. Furthermore, it is considered that the proposed dwelling would have a detrimental impact upon the open coastal landscape character of the area where its visible presence will be intrusive within the landscape. As such, it is considered that the proposed use is contrary to Policy EN 3. The Council's approach towards development within the Undeveloped Coast accords with Paragraph 170 of the NPPF which states that Local Planning Authorities should maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes.

In addition to the localised landscape impact as identified under Policies EN 2 and EN 3 above, it is considered that the proposed development would have an adverse impact upon the rural setting of the AONB and its special qualities; by eroding the location's remoteness, sense of tranquillity and undeveloped character. It is not considered that other sites have been considered, nor is it considered that the benefits of the development outweigh the identified impact upon the AONB, in particular when combined with the impact upon local landscape character and the Undeveloped Coast. As such, the proposed development is considered to be contrary to the aims of Policy EN 1 of the adopted Core Strategy.

Having assessed the proposed development, it is considered that the proposed dwelling would have an adverse impact on the landscape character of the area and the special qualities of the AONB. As such the development constitutes a breach of Policies EN 1, EN 2 and EN 3 of the adopted Core Strategy and Section 15 of the NPPF.

5. Heritage

The Development Committee is required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act 1990) to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This is not a mere material consideration to which appropriate planning weight can be attached, it is a legal obligation to have 'special regard' or pay 'special attention' to these matters. When a local authority finds that a proposed development would harm these matters, it must give that harm considerable importance and weight as a matter of law. There is effectively a statutory presumption against planning permission being granted where such harm arises. That presumption can, however, be outweighed by material considerations, including the public benefits of a proposal.

Development Committee should also take into account the advice contained within the National Planning Policy Framework (NPPF), which specifically addresses the need for conserving and enhancing the historic environment, in particular paragraph 193, which states:

'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. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to the significance.'

Paragraph 196 goes on to state: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*

Considerable weight must therefore be given to the preservation of heritage assets including their setting.

The site lies within the Cley and Glaven Valley Conservation Area. The site is set within an isolated marshland setting and encompasses a number of discreet single storey structures where the sites visible presence within the wider Conservation Area is unobtrusive. Whilst the functional design concept has taken reference from the buildings on site, it is considered that the two storey form of development at approximately 8.5 metres in height, in combination with the permanency of residential occupation, would be incongruous within this unspoilt landscape. As a consequence, the proposed development would result in the sites increased visibility from key vantage points within the Conservation Area.

It is considered that development of the site as proposed would result in less than substantial harm to the significance of the Cley and Glaven Valley Conservation Area and would fail to accord with the requirements of Policy EN 8 of the adopted Core Strategy. Given the limited public benefit to outweigh the harm identified, the proposal would fail to comply with the provisions of paragraphs 193 and 196 of the NPPF and are therefore contrary to the statutory duties of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Design

Core Strategy Policy EN 4 requires development proposals to be 'suitably designed for the context within which they are set' and 'ensure that the scale and massing of the buildings relate sympathetically to the surrounding area'. In addition, Paragraph 130 of the NPPF states that 'permission should be refused for development of poor design that fails to take the

opportunities available for improving the character and quality of an area and the way it functions’.

In this particular case, given the context of the site which contains a number of single storey buildings, namely a tin shed, open metal framed shelter and a blockwork barn, Officers can understand the more functional and utilitarian design concept to the scheme employing a mix of red brick and timber cladding for the walls and profile metal sheet for the roof. However, not only do Officers consider that the elevations portray poor design details, given the informal character of the site, where the existing single storey structures carry little visual presence in the wider landscape, a proposed dwelling at approximately 8.5 metres in height will present a significant increase in the existing built form within this sensitive setting. As such, despite the agent’s contention to the contrary, the increase in scale and massing of the proposed built form is not considered to relate sympathetically to the surrounding area or immediate context.

It is therefore considered that the combination of the siting, scale, massing and design fails to comply with the requirements contained within Policy EN 4 of the adopted Core Strategy. Furthermore, the development is not considered to relate ‘sympathetically to the local character, including the surrounding built environment and landscape setting’ as required by paragraph 127 of the NPPF.

6. Amenity

In terms of amenity space provision, Section 3.3.10 of the North Norfolk Design Guide (NNDG) recommends that the area of the plot given over to private amenity space should be no less than that of the footprint of the dwelling. The proposal accords with the requirements of the NNDG.

As far as the relationship with neighbouring properties is concerned, the site is physically and visually disconnected from the village of Cley accessed via an unmade track some 120 metres west of Holt Road. The site contains no neighbouring properties in the immediate vicinity.

It is therefore considered that the proposed dwelling would not give rise to unacceptable impacts upon neighbouring residential amenity and would accord with the requirements of policy EN 4 of the adopted Core Strategy.

6. Highways Safety and Parking

It is proposed that the existing private driveway off Holt Road will be used to access the site. No objection has been raised by the Highway Authority in regard to safe access and turning arrangements. Based on the parking standards contained in Appendix C of the North Norfolk Core Strategy and Policy CT6 the development would require the following levels of car parking:

- 2 bed dwellings: 2 spaces per unit.

Based on the layout proposed the development would accord with these requirements. The development proposed is therefore considered to be in accordance with the aims of policies CT 5 and CT 6 of the adopted Core Strategy.

7. Conclusion

In summary, the application has raised a number of concerns in relation to the following:

- The principle of residential development: it has not been demonstrated that there is a functional need for a worker to live on site, the business case has not been proven nor have the financial tests been met, and insufficient information regarding alternative accommodation available has not been provided sufficient to justify the new dwelling. The development is therefore unjustified having found that there are no special

- circumstances to warrant a new isolated dwelling in the countryside
- The risk to life from flooding, both fluvial and tidal, where the FRA does not demonstrate that the occupants would be safe during a flood event
- The design, including the scale, massing and design of the proposed building, and
- The resulting impact on the appearance of the Area of Outstanding Natural Beauty, and the character and appearance of the Cley and Glaven Valley Conservation Area.

RECOMMENDATION:

Refuse planning permission for the following reasons:

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

Policy SS 1: Spatial Strategy for North Norfolk
 Policy SS 2: Development in the Countryside
 Policy HO 5: Agricultural, Forestry and Other Occupational Dwellings in the Countryside
 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 3: Undeveloped Coast
 Policy EN 4: Design
 Policy EN 8: Protecting and enhancing the historic environment
 Policy EN 10: Flood Risk

NPPF Section 2: Achieving sustainable development
 NPPF Section 4: Decision-making
 NPPF Section 12: Achieving well-designed places
 NPPF Section 14: Meeting the challenge of climate change, flooding and coastal change
 NPPF Section 15: Conserving and enhancing the natural environment
 NPPF Section 16: Conserving and enhancing the historic environment

It is the opinion of the Local Planning Authority that:

1. The erection of an agricultural workers dwelling is contrary to the aims and objectives of the above policies and the National Planning Policy Framework Paragraph 79, in that the applicant has failed to demonstrate that the livestock at the premises is of sufficient number to require the essential need for one or more full time workers to be readily available at most times and, for animal welfare purposes, the need for a rural worker to live permanently at or near their place of work in the countryside and that the livestock element of the enterprise is viable. In the absence of a justification for agricultural residential occupancy the proposal would be contrary to the above policies as the site lies outside an area in which the Local Planning Authority would normally allow residential development.
2. The proposed development lies within an area designated by the Environment Agency as Flood Zone 2, 3a and 3b. The submitted Flood Risk Assessment has failed to establish to the satisfaction of the Local Planning Authority that:
 - Climate change allowances have been correctly calculated and future fluvial flood levels have been determined appropriately.
 - The development and its occupants would be safe in the event of a 1 in 1000 year fluvial flood event or a 1 in a 100 year tidal extreme event.
 - The proposal fails to comply with the Sequential Test as the applicant has failed to

demonstrate that there are no other sites available at a lower risk of flooding in the area.

- The proposal fails to comply with the Exception Test as whilst there are modest social and economic benefits of the development to the local community this is not considered to outweigh the flood risk issues.
- The applicant has failed to demonstrate that adequate flood resilience, resistance and mitigation measures including a flood evacuation plan are proposed and that future occupants and animals would have safe access/egress during a flood event

Consequently, it is the opinion of the Local Planning Authority that the proposed development is contrary to Policy EN 10 of the adopted Core Strategy and Paragraphs 149 and 158-163 because there would be an unacceptable risk to the building and the safety of the future occupiers in the event of a flood.

3. The proposed development would result in less than substantial harm to the Cley and Glaven Valley Conservation Area by reason of the position of the proposed dwelling within a sensitive landscape setting and by reason of the poor design, scale and massing, which results in a development which fails to preserve or enhance the form and character of the Cley and Glaven Valley Conservation Area. Therefore, the proposal is contrary to policy EN 8 of the adopted North Norfolk Core Strategy. Furthermore, given the limited public benefit to outweigh the harm identified, the proposal would fail to comply with the provisions of paragraphs 193 and 196 of the NPPF.
4. The proposed development would erode the sense of remoteness and tranquillity of the location and, as a result, would have an adverse impact upon the setting of the Area of Outstanding Natural Beauty (AONB) contrary to Policy EN 1. It has not been adequately demonstrated that the proposed development could not be located on alternative sites, nor is it considered that the benefits of the development outweigh the harm. In addition, the proposed development would be detrimental to the identified Large Valleys Landscape Type (LV3 Wiveton to Letheringsett) local landscape character and setting, contrary to Policy EN 2.
5. The site is within an area designated as Undeveloped Coast where it is considered that the proposed development does not require a coastal location and would be detrimental to the distinctive open coastal character of the Undeveloped Coast, contrary to Policy EN 3 of the adopted Core Strategy and Paragraph 170 of the NPPF.
6. The proposed development, by virtue of its overall design, siting, scale and massing would result in an unsympathetic form of development which is not appropriately designed for the context in which it is set and would fail to preserve or enhance the character and quality of the area, contrary to Policy EN 4 of the adopted Core Strategy and Paragraphs 127 and 130 of the NPPF.

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FAKENHAM - PF/19/0487 - Erection of a pair of one bedroom semi-detached affordable dwellings; Land North of 77, St Peters Road, Fakenham for Victory Housing Trust

Minor Development

- Target Date: 27 May 2019

Case Officer: Miss J Smith

Full Planning Permission

CONSTRAINTS

Residential Area

Settlement Boundary

RELEVANT PLANNING HISTORY for Land North of 77, St Peters Road, Fakenham

None relevant

THE APPLICATION

The application seeks planning permission for the erection of a pair of two storey one bedroom semi-detached dwellings with private gardens, with associated parking and bin storage. The site is located on land currently used as play space. The applicant is prepared to enter in to a Section 106 Agreement to provide a new play area elsewhere within the St Peters Road estate.

The dwellings would comprise of red facing brickwork under a red pantile roof with UPVC joinery to match that of the existing dwellings in the vicinity.

Access to the site would be via St Peters Road to the south of the site through an area designated as parking provision for residents within St Peters Road. There is no loss of parking provision.

REASONS FOR REFERRAL TO COMMITTEE

At the request of the former Ward Members Councillors Roy Reynolds and Annie Claussen-Reynolds having regard to the concerns raised by the Town Council as to the use of the children's play area.

PARISH/TOWN COUNCIL

Fakenham Town Council: Object on the grounds that this land is a well-used play area with equipment which was deemed necessary by North Norfolk District Council (NNDC) when the estate was built.

REPRESENTATIONS

1 Letter of objection has been received on the following grounds:

- Potential loss of light and overlooking.
- New trees may result in impact upon dwelling.
- Loss of children splay space.

CONSULTATIONS

County Council (Highway): No objections subject to condition

Environmental Health: No comment

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 3: Housing.

Policy SS 8: Fakenham.

Policy EN 4: Design.

Policy CT 1: Open space designations.

Policy CT 5: The transport impact on new development.

Policy CT 6: Parking provision.

National Planning Policy Framework (NPPF) February 2019:

Section 2 – Achieving sustainable development

Section 5 – Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 12 – Achieving well designed places

MAIN ISSUES FOR CONSIDERATION

1. Principle of development
2. Loss of Open Space
3. Design
4. Residential Amenity
5. Parking and Highway Safety

APPRAISAL

1. Principle of development

The site is situated within the development boundary for Fakenham as defined by the North Norfolk Local Development Framework Core Strategy in an area identified as being primarily in residential use. In this area Core Strategy Policies SS 1 and SS 3 would allow the principle of residential development subject to complying with other Core Strategy policies.

2. Loss of Open Space

Policy CT 1 of the Core Strategy states that development proposals which result in the whole or partial loss of open space will not be permitted unless:

- the space does not contribute to the character of the settlement; and
- is surplus to requirement (taking account of all the functions it can perform), or
- where provision of equal or greater benefit is provided in the locality.

This policy is no longer in strict conformity with the National Planning Policy Framework, Section 8 of the NPPF which states:

Existing open space, sports and recreational buildings and land, including playing fields,

should not be built on unless:

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

The existing play area is located within a discreet and secluded location within St Peters Road estate and, whilst well maintained, the equipment appears tired. Additionally, due to the secluded nature of the site good natural surveillance of the play area is not realised. In this context, the existing play area is not considered to contribute to the character of the settlement in accordance with Policy CT 1 of the adopted Core Strategy. No formal assessment of the requirement for the play space has been made but the applicant has recognised that there is evidence to support the ongoing provision of play space within the estate, albeit they consider a better located site could be found. The applicant has agreed to enter into a legal agreement (Section 106) with the Council to provide a new play area elsewhere within St Peter Road estate to ensure that new provision of an equivalent or better quality and scale will be delivered by the proposed development.

Subject to the completion of a Legal Agreement to secure the provision of satisfactory alternative play provision within St Peters Road estate, the proposal is considered to comply with Policy CT 1 of the adopted Core Strategy and Section 8 of the NPPF.

3. Design

The scale, height and massing of the proposed dwellings is considered appropriate for the location. The use of pitched roofs with red facing brickwork set under a red pantile roof would also be in keeping with the design of neighbouring residential properties and would continue the character of the estate development prevalent in this area. It is considered that the application accords with the requirements of Policy EN 4 of the adopted Core Strategy.

4. Residential Amenity

Section 3.3.10 of the North Norfolk Design Guide (NNDG) requires that the area of the plot given over to private amenity space should be no less than the footprint of the dwelling. The private garden area provided for each dwelling is considered to meet this requirement..

In terms of the relationship to neighbouring properties this is considered to be acceptable:

- There are no first floor windows proposed within the east or west elevations of the proposed dwellings (the gable ends).
- The first floor windows within the north elevation of the application dwellings would serve secondary bedrooms. The distance between these windows and the dwellings to the north would be between (approximately) 26 and 31 metres. The proposal is considered to meet the minimum separation distance requirements between primary and secondary windows as required by Section 3.3.10 of the NNDG.
- The first floor windows within the south elevation would serve bathrooms and hallways. The bathroom windows will be conditioned to be obscure glazed. The hallways contain smaller single light windows which are not considered to give rise to significant overlooking or loss of privacy to the dwellings to the south of the site.
- The siting of the proposed dwellings continues the building line of other properties in St Peter's Road ensuring no overlooking or loss of privacy to these properties.
- The rear elevation of the proposed dwellings sits at a slight angle to the boundary and the garden of 4 Dairy Close. In addition, the neighbouring properties garden extends beyond the boundary of the proposed dwellings. As a result, some overlooking of the

garden of 4 Dairy Farm Close may arise. However, this is limited to the bottom end of the garden and not the spaces closer to the dwelling where more privacy may be expected. In addition, the proposed new dwellings would be some 8 metres from the boundary with No. 4 Dairy Farm Close.

It is considered that the application accords with Policy EN 4 of the adopted Core Strategy regarding residential amenity.

5. Parking and Highways Safety

Core Strategy Policy CT 6 requires a minimum of 1.5 spaces for a one bedroom dwelling. Three parking spaces are provided which is considered to meet the requirements of Policy CT 6. No objection has been raised by the Highway Authority in regard to safe access and turning arrangements. It is considered that the application accords with Policies CT 5 and CT 6 of the adopted Core Strategy.

Conclusion

The proposed scheme is situated within the settlement boundary of Fakenham as defined by the North Norfolk Core Strategy in an area identified as being primarily in residential use. The proposal is considered to comply with Policy EN 4 in terms of design and residential amenity and Policies CT 5 and CT 6 with regards the access and parking provision. Subject to the completion of a Legal Agreement to secure the provision of satisfactory alternative play provision within St Peters Road estate, the proposal is considered to comply with Policy CT 1 of the adopted Core Strategy and Section 8 of the NPPF. As such the development is considered to be in compliance with the policies of the Development Plan.

RECOMMENDATION: Delegate authority to the Head of Planning to **APPROVE subject to:**

1. the **conditions** as set out below and
 2. completion of a **S.106 Agreement** to provide off site play space within the St Peter's Road estate.
- Time limit for implementation
 - In accordance with the submitted plans
 - Materials to be approved
 - Details of hard and soft landscaping
 - Obscure glazing to the bathroom windows on the first floor of the south elevation
 - Remove Permitted Development rights for windows in the first floor of the east and west elevations
 - Provision of on-site car parking prior to first occupation

- (5) **OVERSTRAND - PF/19/0399 - Insertion of door openings with glass balustrade to form Juliet balcony; Fern House, 19B High Street, Overstrand, CROMER, NR27 0AB for Mr McGibbon**

- Target Date: 13 May 2019

Case Officer: Jayne Owen

Householder application

RELEVANT SITE CONSTRAINTS

LDF - Settlement Boundary

Conservation Area

LDF - Residential

RELEVANT PLANNING HISTORY

PF/08/0604 PF

Adjacent to 19 High Street, Overstrand, CROMER, NR27 0AB

ERECTION OF TWO-STOREY DWELLING

Approved 03/06/2008

PF/07/0904 33 High Street, Overstrand

Replacement of flat roof with pitched roof to facilitate conversion of roof space to living accommodation. Similar development

THE APPLICATION

The site comprises an existing two storey house with attic space. The dwelling is constructed in red facing brick with the first floor finished in a cream coloured render. The gables are also rendered with mock Tudor timbers. Windows and doors are stained timber. To the rear (south elevation) is a small balcony at first floor level which serves a master bedroom. The proposal is to insert a pair of French doors into the northern and southern gables at second floor level with a glass balustrade to create Juliet balconies to serve two additional bedrooms which are to be created in the loft space under permitted development rights.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor Fitch-Tillett due to the potential for overlooking and setting a precedent in the conservation area.

PARISH/TOWN COUNCIL

Overstrand Parish Council Object as they consider that a Juliet balcony is contrary to the ethos of the conservation area.

REPRESENTATIONS

None received at the time of writing the report. Any objections received between publication and the time of the meeting will be reported verbally to the committee Members.

CONSULTATIONS

Conservation and Design Officer: No objections

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

EN 4 - Design

EN 8 - Protecting and enhancing the historic environment

National Planning Policy Framework (NPPF):

Section 2 - Achieving sustainable development

Para 11: the presumption in favour of sustainable development.

Para 12: the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

Section 12 - Achieving well-designed places

Para 124: good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Section 16 - Conserving and enhancing the historic environment

Para 193: 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 (and the more important the asset, the greater the weight should be).

Para 194: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design
3. Effect on Heritage Assets
4. Amenity
5. Precedent
6. Planning balance and recommendation

APPRAISAL

1. Principle

The application site lies in the defined residential area of the coastal service village of Overstrand where extensions and alterations to existing dwellings are considered acceptable in principle subject to meeting the requirements of other Core Strategy policies. The proposal is a householder development and comprises the insertion of door openings with glass balustrade to form Juliet balconies within the front and rear facing gables at second floor level of an existing dwelling. The proposed development is acceptable in principle.

2. Design

Policy EN 4 of the North Norfolk Core Strategy requires all development to be designed to a high quality. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable.

The existing dwelling was granted planning permission in 2008 under application reference PF/08/0604, and comprises a substantial two storey detached three bedroomed house.

The new French doors would be timber and stained to match the existing dwelling. It is considered that the detailing and materials of the proposed french doors with glass balustrade would be in keeping with the overall character and appearance of this modern property. The development therefore satisfactorily accords with Policy EN 4 of the North Norfolk Core Strategy in this respect.

3. Effect on Heritage Assets

The Development Committee is required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act 1990) to have special regard to the desirability of preserving the character or appearance of a conservation area. It is a legal obligation to have 'special regard' or pay 'special attention' to these matters. When a local authority finds that a proposed development would harm these matters, it must give that harm considerable importance and weight as a matter of law. There is effectively a statutory presumption against planning permission being granted where such harm arises. When making such a decision under that presumption, the decision must also be balanced with reference to any other material considerations including the public benefits of a proposal.

Account should also be taken of the advice contained within the National Planning Policy Framework (NPPF), which specifically addresses the need for conserving the historic environment, in particular paragraph 193 which states:

'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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset.'

And paragraph 194 which states: *'Any harm to, or loss of, the significance of a heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'*

Considerable weight must therefore be given to the preservation of heritage assets including their setting.

In considering development proposals affecting heritage assets, Core Strategy Policy EN 8 requires that development proposals, including alterations and extensions, should preserve or enhance the character and appearance of designated assets and their settings through high quality, sensitive design. Development that would have an adverse impact on their special historic or architectural interest will not be permitted.

Whilst the application site is within the conservation area, the existing dwelling is a property of modern construction having been granted planning permission in 2008. It is located some 75m to the south of the High Street and is not visible from the High Street and therefore does not occupy a prominent position within the conservation area or have a significant presence within the established street scene.

In addition, the proposed Juliet style balconies are a modest, simple form of development and similarly so are the french doors which open inwards. The simple design, taken together with the fact that the proposed new openings would be inserted within a relatively modern property (less than 15 years old), results in a development which would not have a significant adverse impact on the special historic or architectural interest of the heritage asset (conservation area) and, whilst not enhancing the Conservation area, is considered to preserve its character and appearance.

In summary, it is considered that the proposed development would comply with Policy EN 8 of the North Norfolk Core Strategy and paragraph 194 of the NPPF and would not conflict with the Council's legal obligations under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as referred to above.

4. Amenity

There are existing dwellings to the east and west of the application site. With regard to the potential for overlooking arising from the proposed new openings, in relation to the new opening proposed at second floor level within the rear facing elevation, the existing property benefits from a generous rear garden area of some 25m in depth. The rear elevation of the property has existing first floor windows serving bedrooms, and includes an existing first floor balcony with French doors opening out onto an external seating area which overlooks the rear garden area. An additional opening at second floor level would similarly overlook the applicant's rear garden and as there is no external seating area proposed, it is considered that no significant increase in overlooking would arise with respect to neighbouring properties such that would warrant refusal of the application.

The proposed new opening within the front facing elevation would overlook the applicant's front garden area, beyond which is the parking/manoeuvring area associated with and in front of 19 High Street. It is also worthy of note that 19 High Street has an existing window opening at second floor level within its western front facing gable.

In summary, due to the separation distances between the dwelling and neighbouring properties, it is considered that the scheme would adequately protect the amenity of adjacent occupiers and therefore would accord with the requirements of Policy EN 4 of the North Norfolk Core Strategy.

5. Precedent

Concern has been raised regarding the setting of a precedent in a conservation area. In this regard there is an example of a similar form of development at 33 High Street, Overstrand which was granted planning permission in 2007 (PF/07/0904) to replace a flat roof with a pitched roof to facilitate conversion of roof space to living accommodation. This development incorporated a similar Juliet style balcony as that proposed in this application. In any event each application must be treated on its own merits and it is not considered that the granting of planning permission in this instance would set an undesirable precedent for inappropriate development within the conservation area.

6. Planning balance and conclusion

The proposed development is acceptable in principle and would comprise the insertion of new openings at second floor level within an existing relatively new property which does not

occupy a prominent position within the conservation area and which would not be visible from the High Street or from any public viewpoints. It is considered that the proposed development would not have a detrimental impact on the character and appearance of the host dwelling and would preserve the character and appearance of the conservation area. In addition, it is considered that the scheme would adequately protect the existing levels of privacy enjoyed by neighbouring properties.

Taking all of the above into consideration, it is considered that the proposal represents an acceptable form of development which would be in accordance with national and local policies.

RECOMMENDATION:

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

- Time limit for implementation (3 years)
- Development to be constructed in accordance with the submitted and approved plans.
- Materials as detailed in the application.

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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

BODHAM - PF/18/1124 - Erection of a pair of semi detached light industrial units (B1); Gipsies Lane Works, Weybourne Road, Bodham, Holt, NR25 6QJ for North Norfolk Garden Machinery Ltd
WRITTEN REPRESENTATIONS

FELMINGHAM - PF/18/1700 - Conversion of barn to annexe accommodation ancillary to main house and installation of a septic tank; Grange Farm, Grange Road, Felmingham, North Walsham, NR28 0LT for Strange Farm Ltd
WRITTEN REPRESENTATIONS

HOLT - PF/18/0513 - Construction of 2 No. single storey detached dwellings and use of existing access; The Grove, Cromer Road, Holt for Mr Storey
WRITTEN REPRESENTATIONS

HOVETON - PF/18/1848 - Single storey extension to side/rear and replacement roof to allow for accommodation with the roof space; Flamingo Cottage, 15 Church Road, Hoveton, Norwich, NR12 8UG for NGS Civil Engineer & Technician Services
FAST TRACK - HOUSEHOLDER

HOVETON - PF/18/2202 - Erection of rear single storey extension, creation of front first floor extension, demolish existing garage and erection of garage with annexe accommodation above; Windborne, 21 Stalham Road, Hoveton, Norwich, NR12 8DJ for Mr Webster
FAST TRACK - HOUSEHOLDER

(b) INQUIRIES AND HEARINGS - PROGRESS

None

(c) WRITTEN REPRESENTATIONS APPEALS - IN HAND

HINDOLVESTON - PO/18/1436 - Outline application for the erection of 2no. dwellings (All Matters Reserved); The Mill House, Foulsham Road, Hindolveston, Dereham, NR20 5BY for Mrs Ellis

HOLT - PF/18/0513 - Construction of 2 No. single storey detached dwellings and use of existing access; The Grove, Cromer Road, Holt for Mr Storey

HOVETON - PF/18/1848 - Single storey extension to side/rear and replacement roof to allow for accommodation with the roof space; Flamingo Cottage, 15 Church Road, Hoveton, Norwich, NR12 8UG for NGS Civil Engineer & Technician Services

HOVETON - PF/18/2202 - Erection of rear single storey extension, creation of front first floor extension, demolish existing garage and erection of garage with annexe accommodation above; Windborne, 21 Stalham Road, Hoveton, Norwich, NR12 8DJ for Mr Webster

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

PUDDING NORTON - PF/18/0331 - Erection of two single storey dwellings (affordable housing); Adjacent to 1-4 Green Lane, Pudding Norton, Fakenham, Norfolk, NR21 7LT for Mr Tevenan

SMALLBURGH - PO/18/1282 - Erection of 3 no. dwellings (outline - details of access only, all other matters reserved); Home Farm, Norwich Road, Smallburgh for Mr Green

THORPE MARKET - PU/18/0842 - Notification for prior approval for proposed change of use of agricultural building to 4 dwellinghouses (Class C3) and for associated operational development; Ash Tree Lodge, Church Road, Thorpe Market, NORWICH, NR11 8UA for Mr E Morgan -Evans

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

(d) **APPEAL DECISIONS - RESULTS AND SUMMARIES**

SWAFIELD - PO/18/0662 - Proposed detached chalet bungalow with detached garage (all matters reserved); Plot next to the Kingdom Halls, The Street, Swafield, NORTH WALSHAM, NR28 0RQ for Mr Watts
APPEAL DECISION:- APPEAL DISMISSED

WEYBOURNE - PF/17/1740 - Removal of conditions 3, 4 & 5 of planning permission PF/09/0029 to allow residential occupation as a dwelling; The Roost, Bolding Way, Weybourne, HOLT, NR25 7SW for Mr Harrison

Summaries of the above decisions are attached at **Appendix 2.**

POTTER HEIGHAM - PF/18/1136 - Re-building and extension of partly demolished former agricultural building to create a dwelling (C3); Land adjacent to junction of Fritton Road & Market Road, Potter Heigham NR29 5LZ for Mr & Mrs Lawn
APPEAL DECISION:- APPEAL DISMISSED

WIVETON - PF/18/1664 - Creation of access and provision of 2 no. parking spaces; Dolphin Cottage, Chapel Street, Wiveton, Holt, NR25 7TQ for Mr Travis
APPEAL DECISION:- APPEAL ALLOWED

Summaries of the above decisions will be reported to the next meeting.

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

No change from previous report.

Application Number: PF/17/1740	Appeal Reference: APP/Y2620/W/18/3207749
Location: The Roost, Bolding Way, Weybourne	
<p>Proposal: Conversion of games room to one unit of holiday accommodation without complying with conditions attached to planning permission Ref PF/09/0029, dated 14 May 2009.</p> <p>The conditions in dispute are Nos 3, 4 and 5 which state that:</p> <p>(3) The development hereby permitted shall be used for holiday accommodation purposes only and shall not be used as the sole or main residence of the occupiers.</p> <p>(4) The holiday accommodation hereby permitted shall be available for commercial holiday lets for at least 140 days a year and no let must exceed 31 days.</p> <p>(5) A register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request.</p>	
Officer Recommendation: Refuse	Member decision (if applicable): N/a
Appeal Decision: Allowed	Costs: N/a
<p>Summary:</p> <p>The main issues the Inspector considered were:</p> <ul style="list-style-type: none"> • Whether or not the disputed conditions are reasonable or necessary in the interests of protecting the living conditions of future residential occupiers, with particular reference to the availability of private garden space; and • Whether or not the disputed conditions are reasonable or necessary in the interests of highway safety, with particular reference to visibility where the site's vehicular access meets the public highway <p>Living Conditions:</p> <p>The Inspector noted the site and the requirements of the Design Guide. He considered that whilst the patio area is smaller in area than the footprint of the appeal property, it is important to note that it serves only a 1-bedroom property such that the number of occupiers would be limited accordingly. He considered that the patio would provide for an appropriate extent and standard of private garden space should the appeal property be used in an unrestricted residential capacity.</p> <p>He considered that the disputed conditions are not reasonable or necessary in the interests of protecting the living conditions of future residential occupiers, with particular reference to the availability of private garden space. He felt that there would be compliance with Policy EN4 of the Core Strategy, in so far as this policy requires that new dwellings should provide acceptable residential amenity.</p> <p>Highway Safety:</p> <p>The Inspector noted the visibility from the shared access and its limitations. Despite the LHAs advice, the Inspector remained unconvinced that the removal of the disputed conditions would necessarily result in a doubling of traffic flows from 3 to 6 movements per day. He was persuaded by the appellant's argument that any permanent occupier of the appeal property would likely become more acquainted with the existing access arrangements, when compared to temporary holiday-let tenants, such that more care would likely be taken when negotiating the junction.</p> <p>He therefore concluded that based on the limited intensification in use of the junction that would be anticipated, the disputed conditions are not reasonable or necessary in the interests of highway safety, with particular reference to visibility where the site's vehicular access meets the public highway. As such there would be compliance with Policy CT5 of the Core Strategy in so far as it requires that the expected nature and volume of traffic</p>	

generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety.

Relevant Core Strategy Policies:

EN4 – Design and amenity

CT5 – Transport impact of new development

Relevant NPPF Sections/Paragraphs:

None

Learning Points/Actions:

N/a.

Application Number: PO/18/0662	Appeal Reference: APP/Y2620/W/18/3214119
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Location: Plot next to Kingdom Hall of Jehovah's Witnesses, The Street, Swafield, NR28 0RQ

Proposal: Erection of 3 bedroom chalet bungalow (outline)
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Officer Recommendation: Refuse

Member decision (if applicable): N/a

Appeal Decision: DISMISSED

Costs: N/a

Summary:

The main issues the Inspector considered were:

- Whether the proposed development would provide a suitable location for housing, having regard to the spatial strategy for the area and the accessibility of services and facilities; and
- The effect of the proposed development on highway safety.

Location of Proposed Development:

The Inspector noted the content and requirements of policies SS1 and SS2 of the adopted Core Strategy. He also noted the services available in Swafield (a village hall, place of worship and a butchers) and that the next nearest settlement providing full facilities was North Walsham and he considered that the services and facilities available in North Walsham are likely to meet most of the day to day needs of the occupants of the proposed development. He noted the condition of the B1145 linking the application site to North Walsham (no footways or street lighting, narrow in parts with limited visibility in places, 2km between site and settlement and heavily trafficked). As a result he felt that the route would be unattractive for use by foot or bicycle and hence future residents would be heavily reliant on use of the private car.

He concluded that the proposed development would be contrary to policies SS1 and SS2 of the Core Strategy and would be in an unsuitable location for housing.

Highway Safety:

The inspector noted the shared access with the place of worship and the butcher and the lack of visibility to the north which is outside the control of the applicant. He also noted that the reduction in visibility to this direction was significantly below that recommended by Manual for Streets.

He noted that the highway authority considers that the proposed development would generate 6 additional vehicle trips per day. Whilst he acknowledged that the proposed development would represent only a small increase in vehicle use of the access, he also considered that any intensification of the current use would result in substantive harm to highway safety due to the insufficient available visibility to the north of the access. He

therefore concluded that the impact on highway safety was unacceptable and therefore that the proposed development was contrary to policy CT5 of the Core Strategy.

Relevant Core Strategy Policies:

SS1 – Spatial Strategy for North Norfolk

SS2 – Development in the Countryside

CT5 – Transport impact of new development.

Relevant NPPF Sections/Paragraphs:

N/a

Learning Points/Actions:

N/a.

Sources:

Sarah Ashurst – Development Management Manager

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