

Development Committee



Please contact: Linda Yarham

Please email: linda.yarham@north-norfolk.gov.uk Direct Dial: 01263 516019

TO REGISTER TO SPEAK PLEASE CALL 01263 516150

15 January 2020

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices, Holt Road, Cromer, NR27 9EN** on **Thursday, 23 January 2020** 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 **30 January or 27 February 2020**.

PUBLIC SPEAKING – REGISTRATION IS STRICTLY BY TELEPHONE ONLY

Members of the public who wish to speak on applications must register **by 9 am on Tuesday 21 January 2020** by telephoning **Customer Services on 01263 516150**. We do not accept requests by email or on any other number. Please read the information on the procedure for public speaking on our website [here](#) or request a copy of "Have Your Say" from Customer Services.

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

Emma Denny
Democratic Services Manager

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

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

All other Members of the Council for information.

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



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

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

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

AGENDA

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

PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS
2. TO RECEIVE APOLOGIES FOR ABSENCE AND DETAILS OF ANY SUBSTITUTE MEMBER(S)
3. 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.
4. 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.
5. 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

6. MELTON CONSTABLE - PF/19/0854 - SITING OF RAILWAY CARRIAGE (RETROSPECTIVE) AND CONVERSION, EXTENSION AND REFURBISHMENT OF RAILWAY CARRIAGE TO SELF-CONTAINED HOLIDAY ACCOMMODATION; LAVENDER COTTAGE, CULPITS FARM, HINDOLVESTON ROAD, MELTON CONSTABLE, NR24 2NF FOR MRS WAKE (Pages 1 - 8)
7. MUNDESLEY - PF/19/1664 - ERECTION OF TWO BEDROOM DETACHED DWELLING FOLLOWING DEMOLITION OF EXISTING TRIPLE GARAGES; LAND OPPOSITE 8 HEATH LANE, MUNDESLEY, NR11 8JP FOR MR LEES (Pages 9 - 14)

8. WELLS-NEXT-THE-SEA - PF/19/0642 - DEMOLITION OF EXISTING TOILET FACILITIES, ERECTION OF REPLACEMENT TOILET BLOCK INCLUDING CHANGING PLACES FACILITY; NNDC CAR PARK AND PUBLIC CONVENIENCES, FREEMAN STREET, WELLS-NEXT-THE-SEA FOR NORTH NORFOLK DISTRICT COUNCIL (Pages 15 - 18)

9. APPLICATIONS RECOMMENDED FOR A SITE INSPECTION (Pages 19 - 20)

10. APPEALS SECTION (Pages 21 - 22)

- (a) New Appeals
- (b) Inquiries and Hearings – Progress
- (c) Written Representations Appeals – In Hand
- (d) Appeal Decisions
- (e) Court Cases – Progress and Results

11. ANY OTHER URGENT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 3 ABOVE

12. 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

13. ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 3 ABOVE

14. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA

This page is intentionally left blank

MELTON CONSTABLE - PF/19/0854 - Siting of railway carriage (retrospective) and conversion, extension and refurbishment of railway carriage to self-contained holiday accommodation; Lavender Cottage, Culpits Farm, Hindolveston Road, Melton Constable, NR24 2NF for Mrs Wake

Minor Development

- Target Date: 29 August 2019

Case Officer: Natalie Levett

Full Planning Permission

RELEVANT CONSTRAINTS

SFRA - Risk of Flooding from Surface Water + CC
SFRA - Areas Susceptible to Groundwater Flooding
EA Risk of Flooding from Surface Water 1 in 1000
EA Risk of Flooding from Surface Water 1 in 30
EA Risk of Flooding from Surface Water 1 in 100
Landscape Character Area
LDF Tourism Asset Zone
LDF - Countryside
Listed Building Grade II - Consultation Area
Contaminated Land
Public Right of Way
C Road

RELEVANT PLANNING HISTORY

PF/15/1002

Change of use of former signal box to self-contained holiday let. Approved 30/09/2015

LA/14/0417:

Approved 27/05/2014

PF/14/0416: Erection of single-storey extension (revised design). Approved 27/05/2014

PF/14/0175: Removal of Condition 2 of planning permission reference: 03/1325 to permit full residential occupation. Approved 19/03/2014

LA/13/0243: Alterations to facilitate erection of single-storey extension. Approved 22/05/2013

PF/13/0242: Erection of single-storey extension. Approved 22/05/2013

PLA/2006/1367: Siting and extension of former signal box to provide games room and study
Approved 18/10/2006

PLA/2003/1325: Conversion of outbuilding to holiday unit. Approved 6/10/2003

THE APPLICATION

The application seeks retrospective planning permission for the siting of a railway carriage together with full planning permission for the conversion, extension and refurbishment of the railway carriage to self-contained holiday accommodation.

REASONS FOR REFERRAL TO COMMITTEE

The application is recommended for approval contrary to Core Strategy Policies SS 1 and SS 2.

PARISH COUNCIL

Melton Constable Parish Council: No objection, provided that the public right of way is not diverted from the South side of the farmhouse. It is unclear if there is an application to divert the footpath, as it is showing a different route on some of the maps in the application.

REPRESENTATIONS

One representation received objecting to the proposal.

Summary of the objection:

- Siting of the carriage against objector's northern boundary - the carriage has been placed under their overhanging trees which extend approximately 3 metres over the top of the carriage.
- These trees naturally grow towards the light and will become more pronounced and puts the safety of the carriage and any occupants in danger. Moving the carriage a few metres away from the boundary would minimise this risk considerably.
- The positioning of the carriage makes it very difficult to cut back any overhanging branches.
- Wooden carriages must contain a fire risk and placing it a reasonable distance from the forest boundary would minimise this risk. During dry summers, the objectors have to be very wary of any naked flame and would like to make sure this is noted.
- Clarification is required on the footpath as it is not clear from the site plans if there is a proposal to move it against their boundary.

The applicant has apparently been in contact with the objector; no further comments have been received either as a direct result of this or through the re-consultation process.

CONSULTATIONS

Environmental Health: No objection, subject to conditions.

Conservation and Design Officer: Questions the design of the extension but raises no objection to the impact on the setting of the listed buildings.

County Council (Highway): No objection, subject to conditions.

Public Rights of Way Officer: No objection in principle but highlights that a Public Right of Way, known as Melton Constable Footpath 2 is aligned within the site. The full legal alignment and extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.

Landscape Officer: No objection based on the additional information.

HUMAN RIGHTS IMPLICATIONS

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

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

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

National Planning Policy Framework (NPPF):

Section 2. Achieving sustainable development

Section 4. Decision-making

Section 6: Building a strong, competitive economy

Section 8. Promoting healthy and safe communities

Section 9. Promoting sustainable transport

Section 12. Achieving well-design places

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

Section 15. Conserving and enhancing the natural environment

North Norfolk Core Strategy Policies:

SS 1: Spatial Strategy for North Norfolk

SS 2: Development in the Countryside

SS 4: Environment

SS 5: Economy

EN 2: Protection and Enhancement of Landscape and Settlement Character

EN 4: Design

EN 13: Pollution and Hazard Prevention and Minimisation

EC 7: The Location of New Tourism Development

EC 9: Holiday and Seasonal Occupancy Conditions

CT 5: The Transport Impact of New Development

CT 6: Parking Provision

MAIN ISSUES FOR CONSIDERATION

- Principle of development
- Design and impact upon the setting of the listed buildings
- Amenity impact
- Highway impact
- Landscape impact
- Heritage impact
- Flooding risk
- Environmental considerations

APPRAISAL

Principle:

Policy SS 1 sets out the spatial strategy for North Norfolk. The site is outside of any defined settlement boundary and is, therefore, classed as being within the Countryside.

Policy SS 2 sets out the types of developments that can be acceptable within the Countryside where they require a rural location. This includes development for recreation and tourism. Holiday accommodation is considered to fall under "tourism", thus, in principle, the proposal would be acceptable.

Policy EC 7 relates to the location of new tourism development and states that new tourist accommodation should be located in accordance with the sequential approach outlined in the policy.

Policy EC 7 point 1:

Sequentially new tourist accommodation should be located within the Principal and Secondary Settlements. The proposal does not meet this criteria.

Policy EC 7 point 2:

If point 1 cannot be achieved, proposals for new tourist accommodation can be permitted in other settlement types, including the Countryside, providing they are in accordance with other policies for Employment Areas, the Re-Use of Buildings in the Countryside, and Extensions to Existing Businesses in the Countryside.

Policy SS 5 relates to the economy and employment areas. However, the site is not located within an Employment Area so this policy is not applicable.

Policy EC 2 supports the re-use of buildings in the countryside for non-residential purposes in accordance with the following:

- economic uses (including holiday accommodation) that is appropriate in scale and nature to the location;
- it can be demonstrated that the building is soundly built and suitable for the proposed use without substantial rebuilding or extension and the proposed alterations protect or enhance the character of the building and its setting;
- the proposal is in accordance with other policies seeking to protect biodiversity, amenity and character of the area.

However, the proposal cannot be assessed against Policy EC 2 as it includes the retrospective siting of the railway carriage, which is not currently a building available for re-use, despite being on the land. The proposal therefore does not comply with Policy EC 2.

If approved, the requirements of Policy EC 9 would be imposed (holiday and seasonal occupancy conditions) so this element could be complied with.

Whilst the railway carriage is proposed to have an extension and minor alterations to allow it to be suitable for use as holiday accommodation, no information was submitted in respect of its structural stability. Nevertheless, the carriage had no apparent cracks at the time of the officer's site visit, so the recommendation is based upon the fact that the carriage is

capable of conversion without external/structural changes, other than those indicated on the submitted plans. If this is not the case, then a new planning application would be required.

Policy EC 3 relates to extensions to existing businesses in the countryside. The application site is not on land which is an existing business, although it is acknowledged that the applicant owns more land adjacent to this site, which is a former signal box converted to a holiday let.

Policy EC 7 point 3:

The final element of the policy is that where it can be demonstrated that there are no sequentially preferable sites, no suitable buildings for re-use and that a rural location is necessary, then new build attractions and serviced accommodation may be permitted in the 'resorts and hinterland' and 'rural' Tourism Asset Zones of the Countryside where they are in close proximity to and have good links to, the Principal and Secondary Settlements. As the proposal is not for serviced accommodation, this is not applicable.

Policy EC 7 states that proposals for new build unserviced holiday accommodation in the Countryside will be treated as though they are permanent residential dwellings and will not be permitted.

The proposal for the railway carriage to be unserviced accommodation would be classed as a permanent residential dwelling under this Policy. The siting and location of a permanent residential dwelling is not appropriate in this location as it would not be sustainable development in accordance with the principles of the NPPF (February 2019 - paragraph 8).

The applicant already has planning permission for the use of a converted Signal Box adjacent to the site to holiday lets and some of the barns within the wider complex surrounding the application site are also in use as holiday lets, thus the principle of holiday accommodation has been established within the immediate area. Whilst the proposal does not fully comply with the relevant policies relating to the principle of development, it is considered that on balance, given the nature of the development, and the fact that there are other holiday accommodation units within the wider complex, that the principle of holiday accommodation is acceptable in this case in view of the specific circumstances.

Design / Heritage:

Policy EN 4 relates to developments being of high standards of design.

Policy EN 8 seeks to protect, heritage assets including listed buildings.

The railway carriage (maroon and black in colour) sits on top of a brick, hollow, platform. The extension under construction is on a similar base with supporting metal and wooden beams. The proposed extension is to be clad Larch tongue and groove timber, which is not in keeping with the original design of a railway carriage.

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

The nearest listed building is the grade II converted farm buildings adjacent to Lavender Cottage and adjacent to these is the grade II listed Culpits Farmhouse; the significance of the listed building derives principally from its historic fabric and architectural features.

Although the external treatment of the carriage extension is somewhat out of keeping with the traditional design of a railway carriage, the Conservation and Design Officer has advised that because of the separation distance from the listed buildings it does not have any harmful impact on their setting.

Accordingly, it is considered that the scheme would preserve the setting of the listed buildings and that the proposal is acceptable having regard to the requirements of the S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and, on balance, complies with Policies EN 4 and EN 8.

Amenity:

Policy EN 4 seeks to ensure that development does not have a significant amenity impact.

The siting of, and extension to, the railway carriage is of a sufficient distance not to have a detrimental impact on the amenity of the applicant's land or the occupiers of residential and holiday units within the wider complex.

The proposal complies with Policy EN 4 in this respect.

Highways:

Policy CT 5 relates to the transport impact of new development and Policy CT 6 relates to parking provision.

The Highway Authority advise that the site is served by a suitable access from Hindolveston Road and consider that the proposal does not affect the current traffic patterns or the free flow of traffic.

The Public Right of Way (PROW) Officer has advised that they have no objection in principle to the application but note that a PROW, known as Melton Constable Footpath 2, is aligned within the site. The full legal alignment and extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.

Similarly, the Parish Council raised no objection, provided that the public right of way is not diverted from the South side of the farmhouse.

The applicant has confirmed that the development would not impact on the PROW; and a condition can be imposed to ensure that this is the case. In any event, if a footpath is closed or diverted, other, non-planning, legislation is in place and would need to be followed.

As a result, it is considered that the proposal complies with Policies CT 5 and CT 6.

Landscape:

Policies SS 4 and EN 2 relate to the protection and enhancement of landscape and settlement character.

The Landscape Officer initially raised concerns about the proximity of the railway carriage under the tree canopy and the applicant was asked to consider resiting it outside of the tree canopy, which they have declined to do. As a result, the application has to be assessed on its current retrospective location.

The owner of the adjacent woodland objected to the application because of the siting under the tree canopy raising health and safety concerns, not least due to the way trees grow and not wanting an injury claim if a branch fell off or if outside fires were lit and the trees were burnt due to poor care.

In response, the applicant stated:

“1. The overhanging branches of the trees that extend to our paddock will be removed in the winter by a tree surgeon so as to allow more light and also to eliminate the risk of a tree branches falling. These will be accessed from our paddock with a cherrypicker allowing us access to the high branches.

2. We already for insurance purposes, have our trees inspected and a report done to ensure the other trees in our garden are not any threat to our property so we will have them look at the 6 trees by the carriage and report on them at the same time and also provide a copy to [the owner of the adjacent land] to ensure the wellbeing of the tree and to satisfy his insurance that the trees are still in safe and good condition.

3. The risk of fire in the carriage is minimal as there will be no gas in the carriage, no open fires or wood burners and we will also not allow guests to use BBQ outside the carriage, we do have a separate section of the garden where people could BBQ safely in the summer, if they wish, away from any trees.

4. We have no plans to move the public footpath and have not applied for any deviation from the existing route”. [sic]

Whilst, ideally, the siting of the railway carriage would be in a different place, given the Landscape objection has been removed and some conditions could be attached, on balance, the proposal is considered to comply with Policies SS 4 and EN 2.

Environmental Considerations:

Policy EN 13 seeks to protect the District from pollution and hazards.

The Environmental Protection Team (EPT) advised that it has been indicated in the ‘Refuse and Waste Strategy’ that due to the intermittent use of the proposed holiday let, it is expected that a low amount of waste will be generated from the site, and therefore the applicant is proposing to share in the commercial waste contract with NNDC Cleansing department currently held by an adjacent holiday let property (The Goat House)

The team consulted with their Cleansing Department, who organise the Council’s commercial waste contracts, and have been advised that this arrangement will be acceptable *“providing certain steps are taken. Firstly it will require the person transporting the waste from Lavender Cottage to The Goat House to have an appropriate waste carriers licence. This can be obtained from the Environment Agency. We would need to see a copy of this. Secondly, we would require the Goat House to confirm to us in writing that they wish for Lavender Cottage to be added to the Duty of Care document associated with their shared trade waste contract. This can be emailed through to cleansing@north-norfolk.gov.uk”*.

A condition can be imposed for this information to be provided prior to the first use of the proposed holiday let.

The EPT note, foul drainage will be discharged via a connection to a private water treatment plant which already exists and serves the existing nearby dwellings at Culpits Farm, as there

is no capacity to connect to a mains sewer in this area. The applicant has stated that this water treatment plant has capacity to serve approximately sixty people and therefore has spare capacity to serve a small number of additional guests associated with the railway carriage. It is understood that the treatment plant is serviced every year, regularly checked and maintained, and that water quality is tested on an annual basis. On the basis of this information, it is considered that this is an acceptable method for foul drainage.

Whilst the site is identified as 'potentially contaminated land', the EPT advised that this relates to the disused former railway line adjacent to Culpits Farm. As the farm itself and the proposed location for siting of the railway carriage are not covered by this contaminated land designation, and the proposed development will involve minimal groundworks, there are no major concerns about possible contamination. An advisory note relating to contamination can be included.

As the proposed use of the railway carriage is for holiday let, the EPT does not anticipate that there will be significant noise, light or odour associated with the proposed development. The site does not appear to be in close proximity to any premises likely to cause statutory nuisance to the occupants. Therefore, it is considered that there would be no increased risk of detriment to the amenity of the area in this respect.

As a result, it is considered that, subject to conditions, the proposal complies with Policy EN 13.

Conclusion and Recommendation

The proposal is a finely balanced case and improvements could be made to the proposal, but, on balance, approval is recommended subject to conditions relating to the matters below and any others as considered necessary by the Head of Planning.

- In accordance with the approved plans;
- Details of materials for the extension to be submitted and approved in writing;
- Holiday accommodation only; not for main residence;
- Holiday accommodation to be made available for commercial holiday letting for at least 140 days a year and no individual let to exceed 31 days;
- A register of lettings, occupation and advertising shall be kept and made available for inspection to the Local Planning Authority;
- The proposed on-site car parking/turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan prior to the first occupation of the holiday let;
- The Public Right of Way, known as Melton Constable Footpath 2, must remain open and accessible for the duration of the development and subsequent occupation;
- Provision of a copy of the relevant waste carriers licence obtained from the Environment Agency to be held by person(s) and confirmation from the current holder of the commercial waste contract and undertaken in accordance with the provisions of the licence.

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

MUNDESLEY - PF/19/1664 – Erection of two bedroom detached dwelling following demolition of existing triple garages; Land opposite 8 Heath Lane, Mundesley, NR11 8JP for Mr Lees

Minor Development

- Target Date: 10 December 2019

Case Officer: Mr C Reuben

Full Planning Permission

CONSTRAINTS

SFRA - Flood Zone 2

SFRA - Flood Zone 3A

SFRA - Flood Zone 3B

LDF Tourism Asset Zone

SFRA - Flood Alert Area

SFRA - Flood Warning Area

SFRA - Fluvial 1% AEP + 65% CC

SFRA - Risk of Flooding from Surface Water + CC

Landscape Character Area

LDF - Settlement Boundary

Flood Zone 2

Flood Zone 3

LDF - Residential Area

Unclassified Road

EA Risk of Flooding from Surface Water 1 in 30

EA Risk of Flooding from Surface Water 1 in 100

EA Risk of Flooding from Surface Water 1 in 1000

RELEVANT PLANNING HISTORY

PF/19/0745

Demolition of existing triple garage and erection of detached one and a half storey dwelling

Refused 30/07/2019

PLA/20060414

CONTINUED USE OF GARAGES FOR STORAGE AND DISTRIBUTION

Approved 13/04/2006

PLA/20021859

CONTINUED USE OF GARAGES FOR STORAGE AND DISTRIBUTION

Temporary Approval 01/04/2003

PLA/19991338

CONTINUED USE OF GARAGE FOR STORAGE AND DISTRIBUTION

Temporary Approval 19/01/2001

PLA/19970753

DEMOLISH EXISTING GARAGE & ERECT BLOCK OF THREE GARAGES

Approved 15/09/1997

PLA/19931416

DEMOLISH & REMOVE GARAGE. ERECT DWELLING WITH INTEGRAL GARAGE

Refused 08/04/1994

THE APPLICATION

The application proposes the demolition of the existing garage building and the erection of a detached one-and-half storey dwelling. The site is occupied by a triple garage building which is in the same ownership as the property on the opposite side of Heath Lane. The garages have historically been used for storage and distribution purposes as evidenced by the planning history of the site. Their current use as stated on the submitted application form is storage. The garages are set back within the site with a driveway sloping downwards from the roadside. Neighbouring plots are occupied by bungalows. This application follows the previous refusal of application ref: PF/19/0745 for a similar development. This is currently the subject of an appeal.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr W Fredericks due to matters relating to housing need, flood risk, design and amenity.

PARISH COUNCIL

Mundesley Parish Council - No objection.

REPRESENTATIONS

One objection received raising the following concerns:

- East wall will be right up to boundary fence reducing light into side garden.
- Access to neighbouring garden would not be allowed.
- Scale of dwelling in relation to plot size is out of keeping with the general layout of Heath Lane.

CONSULTATIONS

Norfolk County Council (Highway) - No objection subject to conditions.

Environment Agency - Holding objection. Sequential and exceptions tests have not been applied. Building will result in an increased footprint and will reduce flood storage capacity, thereby increasing the risk of flooding elsewhere. The applicant has failed to demonstrate that adequate flood storage compensation can be provided on site. Details regarding mitigation are not sufficiently detailed. Current hydraulic modelling is being updated, with draft modelling indicating that the site lies within Flood Zones 1 and 2, however, until this is formally signed off it is subject to change. As such, the Environment Agency assessment has to be made on current published data.

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):

SS 1 - Spatial Strategy for North Norfolk

SS 3 - Housing

EN 4 - Design

EN 10 – Development and Flood risk

CT 5 - The transport impact of new development

CT 6 - Parking provision

National Planning Policy Framework (NPPF):

Section 5 – Delivering a sufficient supply of homes

Section 12 - Achieving well-designed places

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

MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design
3. Residential amenity
4. Highway impact
5. Flood risk

APPRAISAL

1. Principle (Policy SS 3):

The site is within the Settlement Boundary of Mundesley which is designated as a Coastal Service Village under Policy SS 1. It is also within the designated Residential area where Policy SS 3 allows for appropriate residential development. A dwelling in this location is therefore considered to be acceptable in principle, subject to compliance with other relevant Core Strategy policies.

2. Design (Policy EN 4):

The immediate surrounding context of Heath Lane is characterised by dwellings within sizable plots with plenty of external amenity space. By contrast, the application site is severely restricted in terms of width and depth and as such, any form of residential development will inevitably be extremely difficult to successfully achieve within the site. The proposed dwelling would sit against the eastern site boundary with no access down this side of the property, and only a small gap (approx. 1 metre) to the western boundary. In addition, only an extremely small rear garden is shown, measuring far less than the footprint of the dwelling which conflicts

with Paragraph 3.3.10 of the North Norfolk Design Guide SPD. This requires the external garden area to be no less than the footprint of the dwelling. Furthermore, two on-site parking spaces are proposed which take up the majority of the site frontage along with bin storage. The overall result is an uncomfortably cramped form of development that is not in conformity with the prevailing form of and character of the surrounding area. The design itself is unusual with an awkwardly designed almost flat-roof section across the centre of the building to afford additional depth to the property. This design element is not considered to be acceptable and would be visually detrimental to the street-scene which is characterised by largely pitched roof dwellings. No changes to the design of the dwelling itself have been made since refusal of the previous application (ref: PF/19/0745). It is therefore considered that the proposed development fails to meet the design requirements of Policy EN 4.

3. Residential amenity (Policy EN 4):

The proposed plot arrangement results in a short rear garden area and as such, the retained garden for the adjacent property (number 3) would run directly behind the proposed plot. As a result, the proposed first floor rear facing dormer window would create an unacceptable level of overlooking directly into the private amenity area of this neighbouring property. In addition, as previously referred to above, the proposed dwelling would be hard up against the eastern site boundary. This, in combination with the elongated eastern elevation would create an overbearing visual impact on the neighbouring property to the east. For these reasons, it is considered that the proposed development is contrary to the requirements of Policy EN 4 in this respect.

4. Highway impact (Policies CT 5 and CT 6):

No concerns have been raised by the Highway Authority regarding the proposed (existing) site access. The proposed dwelling would contain two bedrooms for which the adopted parking standards require two on-site parking spaces. Two spaces are shown on the submitted plans and as such, the proposed development meets the requirements of Core Strategy Policies CT 5 and CT 6.

5. Flood Risk (Policy EN 10):

The development site lies within Strategic Flood Risk Assessment Zones 2 and 3. Dwellings are classed as being a 'more vulnerable' use with regard to flood risk. In such cases the proposal must pass both the sequential test (which aims to steer new development towards areas at lower risk of flooding) and the exception test (demonstrating wider sustainability benefits and the development being safe for its lifetime from flooding) in line with Paragraphs 158 and 160 of the NPPF. No evidence has been provided with regard to these tests and none was provided previously for the refused application (PF/19/0745).

The application is accompanied by a Flood Risk Assessment which suggests that the sequential test is passed as the access drive and footprint of the dwelling lie in Flood Zone 2. However, as per the Flood Risk mapping data held within the Council, the footprint of the dwelling will also lie almost entirely within Flood Zone 3. Notwithstanding this, the sequential test still applies even if the development is in Flood Zone 2. Furthermore, Policy EN 10 of the Core Strategy restrict new development in Flood Zones 2 and 3a to water compatible uses, minor development, changes of use to an equal or lower risk category and to less vulnerable uses.

Finally, the proposed development has the potential to increase the risk of flooding elsewhere as a result of the increased footprint of the building which reduces the water storage capacity of the land. On the basis of potentially reduced flood plain storage, the Environment Agency

have issued a holding objection. As such, taking the above matters into account, it is considered that the proposed development is contrary to Policy EN 10.

It is acknowledged that both the applicant and the Environment Agency have stated that the flood risk zone is being updated such that in the near future, the plot may not lie within a high risk flood zone. As the flood zone has not formally changed and therefore could be the subject of further change, the application has to be determined on the basis of the current designation, i.e. being within Flood Zones 2 and 3.

6. Conclusion:

It is concluded that the proposal would lead to a cramped form of development which, along with the awkwardly designed roof, would not be in-keeping with the prevailing form and character of the surrounding area. In addition, the proposed east-facing elevation would have an overbearing impact upon the adjacent property. Finally, it has not been adequately demonstrated that the site would not increase the risk of flooding elsewhere, and the sequential and exceptions test have not been passed. The development is not considered to be in accordance with the requirements of the Development Plan, and it has been concluded that there are no material considerations which would outweigh the policy conflicts. Therefore refusal of the application is recommended.

RECOMMENDATION: Refuse for the following reason:

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO 9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

EN 4 - Design

EN 10 – Development and Flood risk

North Norfolk Design Guide Supplementary Planning Document (2008).

1. In the opinion of the Local Planning Authority, because of the restricted width and depth of the application site, the positioning of the proposed dwelling and resultant lack of adequate private external amenity space, that the proposal would result in a cramped form of development that would not confirm with the prevailing form and character of the surrounding area. In addition, the proposed elongated east-facing elevation and associated positioning of the proposed dwelling would result in an unacceptable overbearing impact on the adjacent property to the east. Furthermore, the proposed flat roof design would appear incongruous within the street-scene. The proposed development is therefore contrary to the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy and paragraph 3.3.10 of the North Norfolk Design Guide Supplementary Planning Document (2008).

2. The applicant has failed to provide both a sequential test and exception test and sufficient information with regard to flood plain storage, to adequately demonstrate that there are no other sites available for the proposed development, that there are wider sustainability benefits to outweigh the flood risk identified, and that the development will not increase flood risk elsewhere. As such, the proposed development is contrary to Policy EN 10 of the adopted North Norfolk Core Strategy.

This page is intentionally left blank

WELLS-NEXT-THE-SEA - PF/19/0642 - Demolition of existing toilet facilities, erection of replacement toilet block including changing places facility; NNDC Car Park and Public Conveniences, Freeman Street, Wells-next-the-Sea for North Norfolk District Council

Minor Development

- Target Date: 30 July 2019

Case Officer: Mr D Watson

Full Planning Permission

CONSTRAINTS

- Conservation Area
- Listed Building Grade II (two listed buildings adjoin the west side of the car park; there are listed buildings on The Glebe to the east and Blackhorse Yard to the west)
- LDF - Town Centre (only the north end of the car park, the building is not within it.)
- LDF - Settlement Boundary
- LDF - Residential Area (this adjoins the south, east and west sides of the car park)
- LDF - Public Realm
- LDF - Public Car Park Provision
- LDF Tourism Asset Zone
- Area of Outstanding Natural Beauty
- SFRA - Flood Warning Area (only a strip of land along the north side of the car park is with this and the flood zones below. The building is not within them)
- SFRA - Flood Alert Area
- SFRA - Flood Zone 3A
- SFRA - Flood Zone 2
- Flood Zone 2
- Flood Zone 3
- EA Risk of Flooding from Surface Water 1 in 1000
- SFRA - Areas Susceptible to Groundwater Flooding
- Public Right of Way (this runs along the west boundary of the car park)
- SFRA - Tidal 0.5% AEP +CC
- SFRA - TDL 0.1% AEP + CC
- Landscape Character Area
- C Road
- Unclassified Road

RELEVANT PLANNING HISTORY

None.

THE APPLICATION

It is proposed to demolish the existing toilet block and replace them with a new building with a slightly larger footprint. The building would have a double pitch roof, which along with the front and rear elevations, would be clad in Corten steel. The east and west gable ends would be clad with flint. As well as male and female WCs, the building would include a 'changing places' facility, three accessible toilets and a family room.

The site is located within the Stearmans Yard car park on the west side of the town centre which is accessed off Freeman Street to the north and Theatre Road to the south. The site sits centrally within the car park, properties surrounding the car park are mainly dwellings with some commercial uses. There are a number of listed buildings (grade II) set within the local context. There is extant permission to demolish the public house known as "Harleys" which adjoins the northeast part of the car park.

REASONS FOR REFERRAL TO COMMITTEE

Because the applicant is the District Council and a representation has been received

PARISH/TOWN COUNCIL

Wells Town Council: object. Whilst they agree better toilet facilities are needed, the design of the building, in particular the cladding, has no place in the conservation area. The proposed building would does not fit in with nearby buildings and would make for an unacceptable precedent.

REPRESENTATIONS

None received.

CONSULTATIONS

Environmental Health: no objection. Request advisory notes relating to demolition and asbestos removal.

Norfolk Coast Partnership: understand the need for the toilet block to be refurbished, but would prefer to see traditional materials in line with the more traditional buildings in the locality and conservation area. Make suggestions regarding external lighting to minimise light pollution to preserve dark skies.

Conservation and Design Officer: no objection following receipt of amended plans which address earlier concerns. The proposed Corten steel cladding should differ in texture/profile between the walls and roof.

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 1 - Norfolk Coast Area of Outstanding Natural Beauty and The Broads
EN 4 - Design
EN 8 - Protecting and enhancing the historic environment
EC 6 - Public Car Parking Provision

National Planning Policy Framework

Section 2 – Achieving sustainable development
Section 4 – Decision-making
Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

MAIN ISSUES FOR CONSIDERATION

- Principle
- Effect on the North Norfolk Coast Area of Outstanding Natural Beauty
- Effect on the character and appearance of the conservation area

APPRAISAL

Principle

There is no Core Strategy policy that directly relates to the type of development proposed, which as such needs to be considered on its own merits in this respect. The replacement of an existing public facility within the settlement boundary of a designated Secondary Settlement under policy SS 1, with an enhanced facility is considered to be acceptable in principle.

The proposal would not result in any loss of spaces within the public car park. It is therefore acceptable in terms of Policy EC 6.

AONB

The site is located within a built up area surrounded by existing development. The proposed replacement building would be the same height as the existing with only a very modest increase in its footprint. There would be no detrimental material effect on the special qualities of the AONB.

Currently external lighting for the building comprises floodlights mounted on poles attached to the east and west gable ends. Notwithstanding the fact that the site is within an urban area, the proposal would incorporate more sensitive lighting with two wall mounted lights providing downward lighting fixed to the wall of the building, together with recessed LED spotlights under the covered entrance area. This can be secured through a condition and would reduce light pollution within this part of the AONB. The proposal therefore complies with Policy EN 1.

Character and appearance

The design of the building has been amended since the application was first submitted with alterations to the roof shape which is now a double pile/M shape design instead of the multi-pitch saw tooth/industrial design first proposed. The roof, front and rear elevations would be clad in Corten steel, with the side gables clad in flint, whereas perforated timber cladding was originally proposed.

The proposed building would be no higher than the existing (approx. 3.9m to the ridge), but would have a slightly larger footprint being about 2m wider and 3m longer to enable additional facilities to be incorporated. It is considered this very modest increase in scale would not result in any materially adverse effects on the character and appearance of the conservation area.

Wells Town Council object to the proposed cladding. The existing building has red brick walls with panels in English bond (alternating header and stretcher courses) with every other header in a course replaced by a similar area of small flints/pebbles. The roof is covered with red pantiles. Corten cladding as proposed for the roof, north and south elevations, is a weathering steel that naturally rusts over time, producing a soft oxide/orange finish. Its use has been accepted in sensitive locations elsewhere in District, including in Wells Conservation Area itself.

The cladding proposed is considered to be acceptable. Whilst the building would be seen in the wider context of the surrounding, generally traditional buildings, it sits alone rather than being directly adjacent to them. For much of the time it is also seen within the context of parked cars. The cladding would give the building a contemporary appearance and visual interest, and with its eventual subtle orange finish, the building would satisfactorily assimilate into the area. The use of flint on the other elevations would help to ground the building on the site whilst reflecting the traditional materials used in the surrounding area. The building similarly would have a more traditional roof form following the amendments to the roof design similarly.

It is considered the proposal would not result in any material harm to the character and appearance of the conservation area or the setting any nearby listed buildings. Further, there are significant public benefits in terms of improved facilities which would result from it. The proposal is considered to comply with policies EN 4 and EN 8.

Other considerations

As the proposed building would be in the same location and of a similar height and scale as the existing facility, it is considered that there would be no material impacts on the living conditions of surrounding occupiers. The proposal therefore complies with Policies EN 4 and EN 13.

Conclusion

The proposed development would not result in any harm to either the AONB or the character and appearance of the Well Conservation Area. It would deliver much improved facilities, including a 'changing places' facility, for the town and its visitors.

RECOMMENDATION:

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

- Time limit for implementation
- Approved plans
- Materials as specified in application
- External lighting to be agreed prior to installation

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

APPLICATIONS RECOMMENDED FOR A SITE INSPECTION

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

This page is intentionally left blank

APPEALS SECTION

(a) **NEW APPEALS**

None.

(b) **INQUIRIES AND HEARINGS – PROGRESS**

**LEATHERINGSETT WITH GLANDFORD - PF/18/1980 - Erection of single-storey detached dwelling, garage, associated engineering works and change of use of agricultural land to form residential curtilage; Land off Thornage Road, Letheringsett for Mr Cozens-Hardy
INFORMAL HEARING 21 January 2020**

**DILHAM - ENF/18/0046 - Change of use from B1 to Sui Generis (Car repairs); Granary Works, Honing Road, Dilham, NORTH WALSHAM, NR28 9PR
INFORMAL HEARING 04 February 2020**

(c) **WRITTEN REPRESENTATIONS APPEALS - IN HAND**

ASHMANHAUGH - PF/19/0205 - Erection of single storey detached dwelling and detached double garage; Land South of Carousel, Stone Lane, Ashmanhaugh for Mr Pye

AYLMERTON - PF/19/1215 - Discontinuation of use of land for a recycling yard and the erection of a detached dwelling and garage; Hillside, Church Road, Aylmerton, Norwich, NR11 8PZ for Mr Wells

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

BRISTON - PF/19/0135 - Erection of one and a half storey dwelling with detached garage; Site Adjacent to The New Bungalow, Thurning Road, Briston, NR24 2JW for Mr Semmens

HAPPISBURGH - PF/19/0461 - Revised position of mesh security fencing and gates (as approved in planning permission PF/18/1416) (Retrospective); Crop Systems Ltd, Whimpwell Green, Happisburgh for Crop System Ltd

MUNDESLEY - PF/19/0745 - Demolition of existing triple garage and erection of detached one and a half storey dwelling; 8 Heath Lane, Mundesley, Norwich, NR11 8JP for Mr Lees

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

STIBBARD - PF/18/2340 - Conversion and extension of barn to create one unit of holiday accommodation; The Wain, Bells Lane, Stibbard, Fakenham, NR21 0EW for Ms Clarke

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

ITTERINGHAM - ENF/17/0006 - Annex which has permission for holiday let is being used for full residential purposes.; The Muster, Land adjoining Robin Farm, The Street, Itteringham, Norwich, NR11 7AX

NORTH WALSHAM - ENF/18/0339 - Material change of use of the land for stationing of containers and jet washing of coaches, and a breach of condition as coaches are stored and manoeuvred outside the area details in the planning permission 12/0013; Bluebird Container Storage, Laundry Loke, North Walsham, NR28 0BD

(d) **APPEAL DECISIONS**

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

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

No change from previous report.