

**Walcott - PF/22/0738 – Use of agricultural land as a seasonal car park from June to October (inclusive) each year for Mr and Mrs H Barringer**

**Minor Development**

**Target Date: 18<sup>th</sup> May 2022**

**Extension of time: 4<sup>th</sup> October 2022**

**Case Officer: Mr J Barrow**

**Full Planning Permission**

**CONSTRAINTS**

Countryside

Undeveloped Coast

Coastal Erosion Risk Area - 100 years

Coastal Erosion Risk Area - 50 years

Coastal Erosion Constraint Area

Flood Zone 2

Flood Zone 2 SFRA

Flood Zone 3

Flood Zone 3A SFRA

Flood Zone 3B SFRA

**RELEVANT PLANNING HISTORY**

Application: **EF/21/1395**

Proposal: Lawful Development Certificate for proposed temporary car park from 24/07/2021 to 17/09/21 (inclusive) and including removing a section of earth bund to re open an existing entrance way to the field, located where an existing dipped kerb is on the coast road; to construct a new bridge over a ditch to access the field, erection of post and stock wire fence around the boundary, pay booth shed at the entrance; gate into the field, flood barrier for when the car park is closed; a sign on either side of the entrance.

Decision: Permission not required

**THE APPLICATION**

The application seeks permission to use a parcel of agricultural land as a seasonal car park from June to October (inclusive) each year.

**REASONS FOR REFERRAL TO COMMITTEE**

At the request of Cllr. Stockton due to the impact this scheme may have on the 'long standing' and severe issue of parking in this, and other coastal villages.

**PARISH COUNCIL**

No objection. Comments made re potential extension of opening times and additional bin provision. No objection to following further consultation.

**REPRESENTATIONS**

Objection received from nearby resident with the following concerns:

- Unsafe highway access/egress.
- Unviable land considering flood risk.
- Wider impact on surrounding area from use of this land for car parking, when it should be flood plain.
- Increase in flood risk caused by engineering works.
- Environmental Health concerns relating to lack of other infrastructure to support additional visitors.

Many civil matters were also raised.

## CONSULTATIONS

**Environment Agency:** No objection for the following reasons:

- The development is classified as 'less vulnerable' and is mostly sited within flood zone 3a.
- A small area at the northern boundary of the site lies within flood zone 3b'. 'Less vulnerable development is not permitted in flood zone 3b. However, no land-raising has been proposed at this site and no permanent parking will occur. Therefore it is considered the land will remain able to function as floodplain and do not consider the development to be inappropriate, provided flood warning is available and signs are in place.
- No objections to the proposed development on flood risk access safety grounds because paragraph 6.4.2 of the FRA states that an Emergency Flood Plan will be produced. The Local Planning Authority should determine its adequacy to ensure the safety of the occupants.
- Given the findings of the FRA, the Council's Emergency Planning Officer should be consulted to assess any evacuation plans.

**North Norfolk District Council Emergency Planning Officer:** No Objection - the application has no emergency planning implications for flood risk; there is no residential element, the seasonal car park will not be in use during the winter months and the Coast Road would be closed to through traffic in any case if coastal flooding was expected.'

**Norfolk County Council (Highways):** No objection subject to conditions - following revisions to the submitted plans to provide separate in and out vehicle access arrangements.

**North Norfolk Coastal Partnership East:** No objection considering that the area sits behind a seawall, there is not much chance of increased erosion due to the increase in footfall. Given that the field is going to remain grass-covered, rainwater will continue to infiltrate naturally, and as stated in the application, any excess will be disposed of via an existing watercourse.

## 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.

## **LOCAL FINANCE CONSIDERATIONS**

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

## **STANDING DUTIES**

Due regard has been given to the following duties:

Environment Act 2021

Equality Act 2010

Crime and Disorder Act, 1998 (S17)

Natural Environment & Rural Communities Act 2006 (S40)

The Conservation of Habitats and Species Regulations 2017 (R9)

Planning Act 2008 (S183)

Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law - *Article 8 – Right to Respect for Private and Family Life*

Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

## **RELEVANT POLICIES**

### **North Norfolk Core Strategy (Adopted September 2008):**

SS1 – Spatial Strategy

SS2 – Development in the Countryside

EN 2 - Protection and enhancement of landscape and settlement character

EN3 – Undeveloped Coast

EN10 – Development and Flood Risk

EN11 – Coastal Erosion

CT5 – Transport Impact of New Development

CT6 – Parking Provision

## **MATERIAL CONSIDERATIONS**

### **National Planning Policy Framework (NPPF) (2021):**

Chapter 2 – Achieving Sustainable Development

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well Designed Places

Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

### **Supplementary Planning Documents (SPDs):**

North Norfolk Landscape Character Assessment SPD (2021)

## **OFFICER ASSESSMENT**

### **MAIN ISSUES FOR CONSIDERATION**

- 1. Principle**
- 2. Effect on the character and appearance of the landscape Impact**
- 3. Residential Amenity**
- 4. Flood Risk**
- 5. Coastal Erosion**
- 6. Highway Safety**

#### **1. Principle of development (Policies SS 1 and SS 2)**

This application proposes the change of use of a parcel of land to the south of Coast Road in Walcott. It is a site located to the western end of existing development on this side of the stretch of Coast Road which sits atop the sea wall. It is proposed to be a seasonal operation, with no use outside of June-October each year.

The location of the proposal is within the countryside, as defined by Policy SS1 of the Adopted North Norfolk Core Strategy. It is a location where Policy SS2 controls the type of development that is allowed. This policy allows for, among other things, recreation and tourism development, as well as community services and facilities meeting a proven local need, providing a countryside location is required.

Safe off-street parking is at a premium within such close range of Walcott beach, which is a popular tourist location within the District. This proposal offers parking for around 100 cars within walking distance of the beach, some pubs/restaurants to the west, and shops/food outlets to the east.

Subject to the proposal according with other relevant Core Strategy Policies including those relating to landscape, amenity, flood risk and highway safety, the principle of development is considered to be acceptable in accordance with Policies SS1 and SS2 of the Adopted North Norfolk Core Strategy as well as Chapter 2 of the NPPF (2021).

#### **2. Effect on the character and appearance of the landscape (Polices EN 2 and EN 3):**

At present the applicant site is visually open, and viewed as an extension of the agricultural land to the south of Walcott. It is part of the Coastal Plain landscape character type which is characterised by a flat or nearly flat open coastal landscape of predominantly Grade 1 arable farmland.

The proposal involves minimal construction, other than the erection of open fencing, and a payment booth. It is a site which is currently an open, grassy field, and consideration must be given to any impact upon rurality and the Undeveloped Coast caused by bringing the land into use.

When considering the impact of the proposal upon the character and appearance of the area, in isolation, it is considered that this proposal would create some visual harm in terms of the rurality of the Undeveloped Coast constraint area, albeit for limited periods from May to September. The proposal would be contrary to the aims of Policies EN 2 and EN 3 of the adopted North Norfolk Core Strategy, Chapter 12 of the NPPF (2021), North Norfolk Landscape Character Assessment SPD (2021)

This impact would need to be weighed in the planning balance together with the assessment of any material planning considerations.

### **3. Amenity (Policy EN 4)**

The site is positioned to the west of the existing residential development in Walcott and benefits from reasonable separation distances to nearby residential dwellings. It is in an area which is often busy during the summer months in which it is proposed to operate, with additional noise and disturbance in this season a common occurrence. The separation distances involved are considered to afford residential neighbours suitable levels of privacy and amenity with vehicle noise disturbance likely kept at an acceptable level too.

The application is therefore considered acceptable in terms of its impact on residential amenity, in accordance with policy EN 4 of the Adopted North Norfolk Core Strategy, Chapter 12 of the NPPF (2021) and the North Norfolk Design Guide.

### **4. Flood Risk (Policy EN 10)**

When assessing the flood risk implication of this application particular regard is had to the comments of the Environment Agency and North Norfolk District Council's Emergency Planning Officer.

The majority of the site is sited within flood zone 3a, with a small area towards the north of the site within flood zone 3b. The use of the land as a car park is classified as 'less vulnerable' which is compatible with land in flood zone 3a.

Flood zone 3b is more restrictive, with less vulnerable development not permitted. The advice from the Environment Agency is that with no land-raising proposed, and no permanent car parking proposed within the area of land in flood zone 3b, then it may still function as floodplain.

The Flood Risk Assessment recommends a number of additional measures to increase the site's flood resilience and preparedness including a Flood Response Plan and signage throughout the site. These measures are important to ensure the long term safety of the site, and this will be secured through conditions prior to the first use of the site in 2023 (given the impending conclusion of the 2022 season), along with the requirement to operate as per the submitted Flood Risk Assessment.

Furthermore, an important part of the flooding implications on this site is the emergency planning aspect. The Council's Resilience Manager raises no objection to the scheme, and the securing of a Flood Response Plan will further bolster the site's emergency planning. The use will also have an element of self-regulation, with reduced demand in inclement weather,

the closure of the Coast Road during storm events prohibiting access, and a summer season operating window.

Taking account of the above, it is considered that, with conditions, this application is acceptable in terms of flood risk in accordance with Policy EN10 of the adopted North Norfolk Core Strategy as well as Chapter 14 of the NPPF (2021).

## **5. Coastal Erosion (Policy EN11)**

Policy EN11 of the Adopted North Norfolk Core Strategy seeks to control development within the Coastal Erosion Constraint Area. This policy states that ‘new development, or the intensification of existing land use, will not be permitted, except where it can be demonstrated that it will result in no increased risk to life or significant increase in risk to property.’

The comments of the Council’s Coastal Partnership are noted, and the location of the car park behind an existing sea wall is considered to protect against additional erosion from increased footfall. The grass surface of the car park should also ensure appropriate drainage, with the seasonal opening hours offering protection against significantly deteriorating this surface in the off season.

Overall, it is considered that this application is acceptable in terms of coastal erosion risk, in accordance with Policy EN11 of the Adopted North Norfolk Core Strategy and Chapter 14 of the NPPF (2021).

## **6. Highway Safety (Policies CT 5 and CT 6)**

Extensive negotiations between the applicant and Norfolk County Council Highway Authority have taken place to achieve an acceptable highway layout. The site will benefit from an access point off Coast Road towards a central point of the site frontage, with an exit onto Coast Road now agreed to the western extremity of the site.

The Highway Authority have considered the application with this revised access/egress and raise no objections on highway safety grounds, subject to conditions.

It is therefore considered that the proposed development is acceptable in terms of highway safety and parking provision, in accordance with Policies CT5 and CT6 of the Adopted North Norfolk Core Strategy, as well as Chapter 9 of the NPPF (2021).

## **7. Responding Positively to a Climate Emergency**

The application has not been supported by information demonstrating how the proposal would respond positively to the Climate Emergency declared by the Council in April 2019.

## **Conclusion and Planning Balance**

Taking account of the above, Officers note that there is a likely negative impact upon the rural character of the immediate area, and the Undeveloped Coast constraint area. This weighs

against the grant of planning permission. However, it is considered that the provision of additional safe off street parking with easy beach access brings with it significant economic benefits, with an acceptable impact upon amenity and flood risk. Officers consider that these positive benefits coupled with the limited time when which the car park can be used each year to be secured by planning conditions, attract sufficient weight to justify approval.

## **RECOMMENDATION**

Delegate authority to the Head of Planning to **APPROVE** subject to the imposition of the following summarised conditions:

1. In accordance with approved plans.
2. Operation restriction between only 1<sup>st</sup> May and 30<sup>th</sup> September every year.
3. Opening hours restriction between only 09:00 and 20:00 any day.
4. Vehicular access improvements in accordance with County Highway standard prior to first operation in 2023.
5. Condition requiring and ensuring separate access and egress points.
6. Visibility splay provision prior to first operation in 2023.
7. Signage scheme across the site prior to first operation in 2023.
8. Provision of the parking, turning and manoeuvring layout of the site prior to first operation in 2023.

**and any other conditions considered to be necessary by the Assistant Director of Planning.**