

MUNDESLEY – PF/23/1150 - Erection of 2no. gazebos (with festoon and LED flood lights) to provide covered seating areas and relocation of existing flue on front roof slope of roadside building to rear roof slope (part retrospective)

Minor Development

Target Date: 22nd August 2023

Extension of time: 14th October 2023

Case Officer: Mr H. Gray

Full Planning Permission

RELEVANT SITE CONSTRAINTS

The application site is located within:

- The settlement boundary of Mundesley in areas designated as Residential, and Open Land, in policy terms;
- Mundesley Conservation Area.
- Within the Coastal Erosion Constraint Area.
- Partially located within the Undeveloped Coast designated area.
- Within an area susceptible to Surface Water Flooding.

RELEVANT PLANNING HISTORY

Reference **PF/21/2181**

Description Demolition of unstable wall adjacent to southwest corner of barn/outbuilding to form a new entrance separating vehicular traffic and pedestrian traffic and moving vehicular traffic away from the main pedestrian access to the beach; erection of new wall from the North East enclosure of the car park (part retrospective)

Outcome Approved – 22.10.2021

THE APPLICATION

Seeks part-retrospective permission to retain two gazebos, with festoon and LED flood lights, to provide covered seating areas – one within the existing beer garden and one at the cliff top within the car park, and to relocate the flue on the front roof slope of the roadside building to the rear roof slope.

REASONS FOR REFERRAL TO COMMITTEE

This application has been referred to the Development Committee as requested by the Director for Place and Climate Change.

REPRESENTATIONS

One neutral comment:

- Supports the erection of the gazebos and the festoon lighting
- Objects to the flood lighting
- Supports the relocation of the flue subject to controls imposed upon the extractor unit

CONSULTATIONS:

Mundesley Parish Council - No comment, but wish to flag the potential impact upon dark skies as a material planning consideration.

Economic and Tourism Development Manager - Support Application

Environmental Health - No Objection subject to Conditions

Coastal Management - Advice

Conservation and Design - No Objection (Informal consultation)

RELEVANT POLICIES

North Norfolk Core Strategy (Adopted September 2008):

Policy SS 1 (Spatial Strategy for North Norfolk)
Policy SS 5 (Economy)
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 11 (Coastal Erosion)
Policy EN 13 (Pollution and hazard prevention and minimisation)
Policy CT 1 (Open Space Designations)
Policy CT 3 (Provision and Retention of Local Facilities and Services)
Policy CT 5 (The Transport Impact of New Development)
Policy CT 6 (Parking Provision)

National Planning Policy Framework (NPPF) (September 2023):

Chapter 2 (Achieving sustainable development)
Chapter 4 (Decision-making)
Chapter 6 (Building a strong, competitive economy)
Chapter 9 (Promoting sustainable transport)
Chapter 12 (Achieving well-designed places)
Chapter 14 (Meeting the challenge of climate change, flooding and coastal change)
Chapter 15 (Conserving and enhancing the natural environment)
Chapter 16 (Conserving and enhancing the natural environment)

Supplementary Planning Documents

Design Guide Supplementary Planning Document (December 2008)
North Norfolk Landscape Character Assessment Supplementary Planning Document (2021)
Coastal Adaptation Supplementary Planning Document (September 2023)

OFFICER ASSESSMENT

Main issues for consideration:

- 1. Principle of development**
- 2. The effect on the character and appearance of the area/heritage**
- 3. The effect on residential amenity**
- 4. Coastal erosion**
- 5. Highway safety**
- 6. Open space**

1. Principle

Policy SS 1 states that the majority of new development in North Norfolk will take place in the towns and larger villages whilst a smaller amount of development will be focused on designated Service and Coastal Service Villages to support rural sustainability. Mundesley, within which the application site is located, is listed within this policy as a Coastal Service Village. The site falls within the Settlement Policy Boundary of Mundesley whereby development to existing businesses are acceptable in principle subject to compliance with all relevant Local Plan Policies.

2. The effect on the character and appearance of the area/heritage

This application seeks part-retrospective planning permission to retain to two gazebos and to relocate an extraction flue.

One gazebo is located within the existing beer garden, perpendicular to the cliff top and adjacent to the boundary line with No. 25 Beach Road, whilst the other is located within the existing car park near to the cliff edge. Both gazebos measure 28.8m wide, 3.5m deep, and 2.3m high. They have festoon lighting to light the seating area and LED flood lights lighting the beer garden and car park respectively. The flue would stand approximately 1.5m high above the roof when measured from the lowest visible external section to the top of the cawling.

The car park has historically been an open area with good visual sightlines to the sea. The gazebo that has been erected upon the cliff top disrupts these views and somewhat acts like a visual barrier, at certain angles. Although this could be seen to impact upon the character of the landscape, the relatively open design of the gazebos still allows for primarily uninterrupted views and would therefore not provide sufficient grounds for objection. On balance, the gazebos would be considered to at least preserve the landscape and settlement character.

With the addition of the gazebo lighting, more specifically the floodlight, it can be seen the site does create a large amount of light spill into the surrounding area. This impact is lessened by the presence of streetlamps on the adjoining and adjacent streets which creates an ambient level of light throughout the night and as such helps, in some way, to mitigate the sites overall impact. Furthermore, a condition is recommended to be imposed to secure the installation of cawling for these floodlights to ensure that light spill does not go above the horizontal plane. As the site is set lower than the surrounding streets with a 1.8m high boundary wall, it is concluded that these measures would be sufficient in preventing an increased impact upon the landscape and settlement character. The low-level illumination of the festoon lighting does not give rise to any material concerns.

Through informal consultation with the Conservation and Design Officer it was concluded that, due to the location and height of the boundary wall, only glimpsed views of the two gazebos are offered. This, coupled with open nature of their design that allow sightlines through the structure and out to sea, prevent a sustainable objection. Officers consider that the proposed relocation of the flue from the front roof slope to the rear roof slope would have less of an impact as its current unpermitted location creates visual harm. As a whole, Officers consider that the proposal would not harm the significance of the Mundesley Conservation Area.

The application is therefore considered to comply with Core Strategy policies EN 2, EN 4 and EN 8 in terms of design and visual impact.

3. The effect on residential amenity

Lighting

Concerns were raised over the use of LED floodlights within the application site and their potential impact upon residential amenities. A number of LED floodlights were noted around the site, notably on the gazebos and poles overlooking the car park. Although the cumulative impact of these lights is a concern, for this application only the LED floodlights on the gazebo structures are the subject for discussion.

Due to their positioning, light pollution spills out above the horizontal plane and has the potential to negatively impact upon the residential amenities of nearby occupiers. Through consultation with Environmental Health Officers it was deemed that the potential impact is too great to leave in its current state and that shading and lighting direction should be explored, and that times of operation should be controlled to eliminate potential disturbances. Through the imposition of appropriate conditions, Officers consider that the operation of these lights could be restricted so that they may only operate between the hours of 7:00 and 23:00, resulting in them being switched off overnight. Officers would also recommend that, within 28 days of the grant of any permission, exact specifications for the lighting be supplied and that appropriate cowling be installed to ensure that the light only illuminates the site directly.

Subject to these conditions, the development would have an acceptable impact upon residential amenities in respect of lighting, complying with Policies EN 4 and EN 13.

Odour

Concerns relating to odour from the extractor/flue were raised through consultation with Environmental Health Officers. The particular concern was relating to the termination point of the flue with the discharge point being potentially insufficient. An accelerator cowl flue is proposed by the applicant which Officers consider should help to alleviate odour concerns. However, insufficient information was submitted within this application to confirm the performance of the flue and, following discussions with Environmental Health Officers, it is recommended that any approval includes a condition requiring submission of detailed specifications of the extractor system to confirm the odour reduction capabilities and to confirm its acceptability with regard to residential amenity and pollution.

In conclusion, it is considered that subject to the acceptable discharge of these conditions, the proposal would not lead to an adverse impact in relation to odour and would comply with Policies EN 4 and EN 13.

Noise

Concerns were equally raised by the Environmental Health Officer in relation to the potential noise pollution created by the extractor/flue. This too will be subject to the submission of the required outstanding information via conditions to ensure that the development would not have an adverse impact upon residential amenities in relation to noise.

In conclusion, it is considered that subject to conditions, the proposal would not lead to an adverse impact in relation to noise and would comply with Policies EN 4 and EN 13.

4. Coastal erosion

The Coastal Management Team have expressed concerns over the water run-off from the gazebo and potential impact it could have upon erosion and possible cliff slides.

The applicant has confirmed, through the submission of additional information, that water from the roof of the Gazebos would channel into downpipes that are contained within the legs and

that this water then goes into a soakaway. The application has confirmed that the surface area of the beer garden gazebo roof is 77.8sqm and the car parking gazebo roof is 103.7sqm. This roof areas would require soakaways of 1.30m³ and 1.78m³ respectively to meet requirements. The applicant has agreed to install two 1.00m³ soakaways per gazebo (four in total) which would provide ample volume to meet requirements.

This system would prevent an increase to surface water run-off and would therefore not create an increased risk of erosion and cliff slips. This system would alleviate the concerns raised within comments received from Coastal Management. It should be noted that the applicant has indicated that the roof of the gazebos have louvres which, when not in use, are opened and rainwater would discharge to ground.

Subject to the imposition of conditions, the proposed development would comply with Policy EN 11.

5. Highways safety

Norfolk County Council, as the relevant Highway Authority, were informally consulted as to whether they had any concerns relating to the installation of the gazebo flood lights. After reviewing the proposal the Highway Authority have concluded that the distance of the lights from Beach Road and their perpendicular orientation would not give grounds for sustainable highway safety objection. The Highway Authority have requested a condition be imposed to ensure that no part of the source of the illumination be directly visible to users of the adjacent public highway.

Subject to the imposition of conditions, the proposed development would comply with Policies CT 5 and CT 6.

6. Open Space

Policy CT 1 Open Space Designations states that 'development will not be permitted on Open Land Areas except where it enhances the open character or recreational use of the land'. Officers consider that whilst the proposal would not enhance the open character of the car park as a result of the built form proposed, it would facilitate an intensified recreational use of the site for patrons of the public house as a result on the seating facilities provided. Taking into account the historic use of the parcel of land as a car park, it is considered, on balance that by enhancing the usability of this part of the site, the proposals would comply with this policy requirement.

Conclusion and 'Planning Balance'

Subject to the imposition of conditions, the proposal is considered, on balance to be acceptable and would accord with the aims of Development Plan policies.

RECOMMENDATION:

APPROVAL subject to conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents, except as may be required by specific condition(s):
 - Flue Location Plans & Elevations; received 29th May 2023
 - Gazebo Elevations; received 29th May 2023

- Gazebo Section; received 29th May 2023
- Location Plan; received 29th May 2023

Reason for Condition: To ensure the development is carried out in accordance with the expressed intentions of the application and to ensure the satisfactory development of the site, in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

2. Within 28 days of the grant of permission for the development hereby approved details shall be submitted to the Local Planning Authority of the LED floodlights for the gazebos. Such details shall include specifications for the lighting, its location and position within the site, height and levels of illumination proposed. The details shall also specify that all external lighting on the gazebos include cowling, or other similar device, along with details of such cowling, to ensure that the lighting only illuminates the site directly. The submission shall also detail how no part of the source of illumination shall at any time be directly visible to the users of the adjacent public highway.

The development shall be carried out in accordance with the details approved in writing by the Local Planning Authority within one month from the date of approval of such details or a timeframe otherwise agreed in writing by the Local Planning Authority. Such measures shall be retained as approved thereafter.

Reason for Condition: To ensure that the development minimises light pollution and the impact this would cause on residential amenities, visual amenities and highway safety in accordance with Chapters 9, 12 and 15 of the National Planning Policy Framework and Policies EN 2, EN 4, EN 13, and CT 5 of the adopted North Norfolk Core Strategy.

3. The external lighting hereby approved shall not be lit (turned on) between the hours of 23:00 and 07:00 on any day.

Reason for Condition: To ensure that the development minimises light pollution and the impact this would cause on residential amenities, visual amenities and highway safety in accordance with Chapters 9, 12 and 15 of the National Planning Policy Framework and Policies EN 2, EN 4, EN 13, and CT 5 of the adopted North Norfolk Core Strategy.

4. Within 28 days of the grant of permission for the development hereby approved details of a scheme for a kitchen extractor system shall be submitted to the Local Planning Authority. The scheme shall include measures to control noise and odour from the extractor system. The development shall be carried out in accordance with the details approved in writing by the Local Planning Authority. The scheme as approved shall be installed, used and maintained in accordance with the manufacturer's specification/instructions prior to the commencement of the use of the kitchen extract system and maintained thereafter for so long as the uses continues.

Reason for Condition: To protect the residential amenities of nearby occupiers and to prevent an unacceptable level of noise and odour pollution in accordance with Policies EN 4 and EN 13 of the adopted North Norfolk Core Strategy.

5. Within three (3) months of the grant of permission for the development hereby approved the soakaway system shall be fully installed in accordance with the following details submitted as part of this application:

- Soakaway Hydrocell Data Sheet; received 21st September 2023
- Soakaway Details Email Chain; received 22nd September 2023
- Soakaway Drainage Plan; received 26th September 2023

Such measures shall thereafter be retained as approved for the lifetime of the development and managed in accordance with manufactures specifications.

Reason for Condition: To ensure that water runoff from the gazebos is collected and disposed of appropriately to prevent an increased risk to erosion of the cliff face, in accordance with Policy EN 11 of the adopted North Norfolk Core Strategy.

INFORMATIVES

1. The Local Planning Authority considers that it has worked positively and proactively with the applicant to address any arising issues in relation to determining this planning application, to secure a policy compliant proposal that has been determined in the wider public interest at the earliest reasonable opportunity, in accordance with the requirements of the National Planning Policy Framework (paragraph 38).
2. The Applicant is advised that the lighting details should comply with the Institution of Lighting Professionals Guidance Note Guidance Note 1 for the reduction of obtrusive light.
3. This development involves lighting that may affect the public highway. The Applicant should note that the Norfolk County Council, as Highway Authority, reserves the right under general provisions of Common Law and Section 152 of the Highways Act 1980 to seek the removal of any lighting causing an obstruction or nuisance, or which obscures or hinders the ready interpretation of a road traffic sign.

Final wording of conditions to be delegated to the Assistant Director – Planning