



NORTH
NORFOLK
DISTRICT
COUNCIL

Development Committee

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TO REGISTER TO SPEAK PLEASE CALL 01263 516150

22 January 2019

A meeting of the **Development Committee** will be held in the **Council Chamber** at the Council Offices, Holt Road, Cromer on **Thursday 31 January 2019 at 9.30am.**

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 **Thursday 21 February 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 29 January 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 S Arnold, Mrs A Claussen-Reynolds, Mrs A Fitch-Tillett, Mrs A Green, Mrs P Grove-Jones, Mr B Hannah, Mr N Lloyd, Mrs B McGoun, Mr N Pearce, Ms M Prior, Mr R Reynolds, Mr R Shepherd, Mr B Smith, Mrs V Uprichard

Substitutes: Mr D Baker, Dr P Bütikofer, Mrs S Bütikofer, Mr N Coppack, Mrs J English, Mr T FitzPatrick, Mr V FitzPatrick, Mr S Hester, Mr M Knowles, Mrs J Oliver, Miss B Palmer, Mr J Punchard, Mr J Rest, Mr P Rice, Mr E Seward, Mr S Shaw, Mr D Smith, Mr N Smith, Mrs L Walker, Ms K Ward, Mr A Yiasimi

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 4 January 2019.
4. ITEMS OF URGENT BUSINESS (to be taken under items 8 or 10 below)
 - (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.
7. OFFICERS' REPORT

ITEMS FOR DECISION

PLANNING APPLICATIONS

- (1) **FAKENHAM - PF/18/2081 - Extension to rear to provide coldroom and ambient goods storage space for foodstore; Morrisons, Clipbush Lane, Fakenham, NR21 8SW for Mr Darbyshire**

Page 4
- (2) **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**

Page 17

- (3) **BRISTON - PF/18/1546 - Erection of 4 no. two storey semi-detached dwellings; The Spinney, 1 Grove Road, Melton Constable, NR24 2DE for Ms Tacon** Page 22
- (4) **APPLICATIONS RECOMMENDED FOR A SITE INSPECTION** Page 29
- (5) **NEW APPEALS** Page 29
- (6) **INQUIRIES AND HEARINGS - PROGRESS** Page 29
- (7) **WRITTEN REPRESENTATIONS APPEALS - IN HAND** Page 29
- (8) **APPEAL DECISIONS – RESULTS AND SUMMARIES** Page 30
- (9) **COURT CASES – PROGRESS AND RESULTS** Page 30
8. **ANY OTHER URGENT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE**
9. **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

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

**OFFICERS' REPORTS TO
DEVELOPMENT COMMITTEE - 31 JANUARY 2019**

Each report for decision on this Agenda shows the Officer responsible, the recommendation of the Head of Planning and in the case of private business the paragraph(s) of Schedule 12A to the Local Government Act 1972 under which it is considered exempt. None of the reports have financial, legal or policy implications save where indicated.

PUBLIC BUSINESS - ITEM FOR DECISION

PLANNING APPLICATIONS

Note :- Recommendations for approval include a standard time limit condition as Condition No.1, unless otherwise stated.

- (1) **FAKENHAM - PF/18/2081 - Extension to rear to provide coldroom and ambient goods storage space for foodstore; Morrisons, Clipbush Lane, Fakenham, NR21 8SW for Mr Darbyshire**

Minor Development

- Target Date: 08 January 2019

- Extension of Time agreed: 01 February 2019

Case Officer: Nick Westlake

Full Planning Permission

RELEVANT CONSTRAINTS

- Risk of Flooding from Surface Water 1 in 1000
- Risk of Flooding from Surface Water 1 in 100
- Risk of Flooding from Surface Water 1 in 30
- Areas Susceptible to Groundwater Flooding
- Within Settlement Boundary
- Adjacent to Defined Residential Area
- Within Employment Area

RELEVANT PLANNING HISTORY for Morrisons, Clipbush Lane, Fakenham, NR21 8SW

PLA/19931310 PO - Outline

LAND ON THE A1067, CLIPBUSH LANE, FAKENHAM

CONSTRUCTION OF A CLASS A1 RETAIL STORE AND COFFEE SHOP WITH ASSOCIATED CAR PARKING, SERVICE AREA, CAR WASH AND PETROL FILLING STATION

Approved 10/11/1993

PLA/19940033 PM - Reserved Matters

LAND ON THE A1067 CLIPBUSH LANE, FAKENHAM

CONSTRUCTION OF A CLASS A1 RETAIL STORE AND COFFEE SHOP WITH ASSOCIATED CAR PARKING, SERVICE AREA, CAR WASH AND PETROL FILLING STATION

Approved 08/09/1994

PLA/20011593 PF

Safeway Stores PLC, Clipbush Lane, Fakenham, NR21 8SW

ERECTION OF WAREHOUSE EXTENSION – at the south elevation of the service yard

Approved 13/12/2001

- Relevant because it was less visible in its siting but nonetheless used materials and a hipped roof form to match the existing supermarket.

PLA/20040393 PF

Morrisons, Clipbush Lane, Fakenham, NR21 8SW

ERECTION OF EXTENSION TO SALES AREA

Approved 18/01/2005 - Conditions required materials to be as per the existing supermarket.

Current Application within the Supermarket's Front Car Park (Not relevant to this proposal but still under consideration)

PF/18/1366 PF

Morrisons, Clipbush Lane, Fakenham, NR21 8SW

Erection of retail unit in car park (Resubmission)

Pending Consideration

PF/18/1868 PF

Morrisons, Clipbush Lane, Fakenham, NR21 8SW

Erection of a drive thru' coffee shop (Use Class A1/ A3) with associated car parking, drive thru' lane, refuse areas and associated works

Pending Consideration

THE SITE AND ITS SURROUNDINGS

The application curtilage –

The application site is part of a large A1 supermarket building trading as 'Morrisons' with a sizeable associated car parking area. Located on the eastern side of Fakenham, the site is positioned west of Clipbush Lane also known as the A1067. The host site is within the Development Boundary of Fakenham and within a designated Employment Area. There is an increasing number of business units and residential units being provided within this immediate area; especially to the west of the host site where the site is being transferred into a high density housing development area behind the Fakenham Medical Centre.

The application site's 'red line plan' as submitted is actually the whole of the supermarket curtilage, which is broadly 3.6 hectares in total, with the retail supermarket building itself also rectangular in shape, some 80 metres in width and 70 metres in length in the south western section of the site. These might have been better shown as the application 'blue line' land, as the development site is a much smaller part of this area in the south-west corner. Materials used in the construction of the supermarket building include red, black and yellow bricks. A decorative green band is positioned near to the eaves; the roof presents a tiled dummy pitch with a crown or flat roof beyond. The maximum height of the dummy pitched roof is 9 metres although there is a narrow section of roof with a ridge of 11 metres.

Within the site, the supermarket building is located approximately 16 metres from the western boundary and 24 metres from the southern boundary and approximately 80 metres and 100 metres from the northern and eastern boundaries respectively. A private access/service road runs along the western boundary of the site allowing for secure

deliveries to the store which is on the west of the building, without public using the public access that is to the east of the building.

The development site –

The development area is within the supermarket's delivery/storage yard which is located centrally on the western elevation of the main building; it is a rectangular area recessed in from the supermarket's rear building line. This yard measures some 22 metres wide and 18.5 metres in depth. It allows for HGV deliveries of products to the store and the housing of temporary cold/freezer units that store the perishable goods.

There are currently three 'temporary' cold storage units known as 'Dawson Units' housed in the southern section of this service yard alcove and a single freezer unit on the northern side. Also within the service yard alcove, on the northern elevation, there is a full length roller shutter entrance to the non-perishable goods storage area part of the building.

Landscaping is provided around borders of the site. Alongside the western boundary there is a strip of land approximate 2 metre wide that provides some limited vegetation screening to the site. The boundary also contains a typical 2.5 metre high metal Palisade security fence that runs along the western and southern boundary.

Beyond the western boundary fence line, there is a 3 storey high block of flats located only 6 metres away from the boundary fence itself. This block of flats is also found on ground approximately 1.5 metres higher than that of the host site. The ground steps up from the lower level of the supermarket site to the residential site at this boundary location. Overall, the flats are approximately 25 metres away from the western edge of the proposed coldstore extension within the service yard.

These nearby residential flats have side facing habitable windows facing the application site and views of the site are also possible through the metal Palisade security fence, both from the car parking area and the road/footpath servicing the residential block. Furthermore, to the north west of the host site also beyond the boundary fence, is 'The Fakenham Medical Practice' and their associated parking facilities. This building is approximately 50 metres away from the development location. Again, the application site would be visible and noticeable from this active public realm.

An area of mature wooded landscaping 25m metres in width dominates the southern boundary, shielding the site to the south from residential dwellings on Holt Road. The proposed extension cannot be seen from the northern and easterly directions as it is shielded by the main building.

The host site is not located within Flood Zone 2 or 3, and the land is flat.

THE APPLICATION

In summary, the proposal is to remove the 4no. existing temporary cold store units in the service yard and replace them through the construction of a new extension to house a freezer and cold store, and also construct a new access ramp and pedestrian foot path.

Initially, the applicant's submitted plans showed a metallic-colour cladding exterior and flat roof, and the application form described an intention to include a plant and machinery condenser unit on the roof, and a ventilation grill on an elevation. Following requests from the Planning Officer the scheme has been revised.

The revised proposal has removed the plant from the roof and uses a brickwork external material rather than sheet cladding, and has removed the grill. At the time of writing, the roof remained flat, and a metal hand rail was proposed around the edge of the roof, although ideally this arrangement would be revised which the applicant is investigating ahead of the Development Committee meeting.

Although some of the final detailing of the external finish still needs confirming, Officers consider the revised proposals are an improvement over the original submission and if the roof and railings can be revised further, these would be considered favourably on balance. The revised drawings have not been subject to public consultation, as they are considered an improvement over the original proposal and there have been no public objections received to date, but the local Members and Town Council have been notified of the change and will receive the revised plans ahead of the Committee Meeting. Any further comments received will be reported to the Development Committee Meeting.

The application therefore involves the removal of all the existing temporary cold/freezer units from the storage yard area and the creation of a new single permanent cold unit, including an integral Freezer room. Effectively, the proposal 'fills in' the northern part of the service/delivery yard with a rectangular extension. The proposed extension measures some 18.4 metres in depth and 9.0 metres in width. The height of proposed extension is proposed to be 6.9m tall in total comprising 5.9 metres of solid walling and a 1.0m safety rails above that, around a flat roof hidden behind the parapet. There is a slight hip on the western flank corner to allow for safe access of HGV's to and from the site. Also proposed is a separate single entrance for non-perishable goods, located on the southern elevation of the extension.

Separately, adjacent to the southern flank wall of the service yard, a 2.5 metre wide ramp/footway is proposed some 1.3 metres above ground level. This wraps around the western elevation and connects with the proposed extension on the north side of the service yard. As such, there remains a 10.4 metre wide parking area between the proposed extension to the north and ramp/access way to the south, allowing for the parking of HGV's during delivery times.

The whole extension would be constructed from pre-formed insulated panels (e.g. Kingspan or similar) surrounded with external materials to match the brickwork of the main superstore, either as a 'brick slip' or brickwork coursing to match the colours and brick types on the main building. The flat roof behind the parapet would be a cladding panel material.

The applicant has confirmed that no additional extraction ventilation or air conditioning type plant and machinery is to be included as part of the application. The original application form has been updated to this effect, which should comfort the Environmental Protection Officer also.

Within the cold store are x2 small evaporator units distributing cold air. These units are controlled and powered remotely by the existing refrigeration plant room within the main store. All the plant associated with running this new internal cold/freezer room is proposed to be powered from the existing plant room from within the main store. As such there is not considered to be any significant noise or fumes emitted from the building.

Also proposed is a relocation of the fire door on the western elevation of the main building.

Although there is no increase to the number of the lights proposed within the service area, the application form notes some lighting fixtures shall be relocated from the existing positions to the extension walls.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Local Ward Members, there were concerns raised regarding noise and pollution from the compressor and fans from having a large refrigeration room. There were also concerns relating to additional delivery vehicles visiting the site as a result of the proposal.

TOWN COUNCIL

Fakenham Town Council, Fakenham Connect – No Objections

REPRESENTATIONS

There have been no comments received from members of the public.

CONSULTATIONS

Environmental Health – Objection

Objected on the basis of there being extraction and ventilation equipment proposed for siting on the roof and no details of sound emissions had been submitted.

This objection is expected to be removed on the basis that external plant and machinery isn't proposed anymore. Members will be updated at the Committee meeting.

Anglian Water – No objections subject to conditions.

Highways – No objections.

Building Control – No objections in principle, but it should be noted that separate approval will be needed for the alterations and developments proposed including the loss of a fire door.

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 Core Strategy (Adopted September 2008):

SS 1 – Spatial Strategy for North Norfolk (specifies the settlement hierarchy and distribution of development in the District).

SS 5 - Economy (strategic approach to economic issues).

SS 6 – Access and Infrastructure (New development should be supported by and have good access to infrastructure, open space, public services and utilities).

EN 4 – Design (Specifies criteria that proposals should have regard to, including the North Norfolk Design Guide and sustainable construction)

EN 6 – Sustainable Construction and Energy Efficiency

EN 10 – Drainage and Flood Risk

EN 13 – Pollution and Hazard Prevention and Minimisation

CT 5 - The transport impact on new development (*specifies criteria to ensure reduction of need to travel and promotion of sustainable forms of transport*).

CT 6 - Parking provision (prevents loss of public car parking standards other than in exceptional circumstances).

Other material considerations:

North Norfolk Design Guide Supplementary Planning Document (December 2008)

Relevant sections of the National Planning Policy Framework (NPPF) (2018)

2. Achieving Sustainable Development

6. Building a strong competitive economy

7. Ensuring the vitality of town Centres

8. Promoting healthy and safe communities

9. Promoting sustainable transport

12. Achieving well – designed places

MAIN ISSUES FOR CONSIDERATION

1. Principle of Development
2. Layout and Design
3. Residential Amenity
4. Access, car parking and Highway safety
5. Drainage

APPRAISAL

Policy Context

The host site is within the Development Boundary of Fakenham and the designated Employment Area where Policies SS 5, SS 6, EN 4, EN 6 are applicable. In addition, it is considered that Policies CT 5 and CT 6 are relevant.

Policy SS 5 states that as designated on the Proposals Map, only employment generating development proposals will be permitted. These include Use Class B1, B2 and B8, petrol filling stations, car/vehicle hire, the selling and display of motor vehicles and builders yards.

Policy SS 6 states that new development should be supported by, and have good access to, infrastructure, open space, public services and utilities. Permission for development will not be granted unless there is sufficient capacity in existing local infrastructure to meet the additional requirements arising from the new development, or suitable arrangements having been put in place for necessary improvements. The term infrastructure in this case refers to utility services; water supply, foul sewerage networks, sewage treatment works, drainage/flood protection, energy provision and the transport network.

Policy EN 4 requires that all development be designed to a high quality, reinforcing local distinctiveness, is suitably designed for the context within which it is set and that the scale and massing of buildings relate sympathetically to the surrounding area and existing important landscaping and natural features are retained. In addition, the policy requires the creation of safe environments, addressing crime prevention and community safety and to ensure that any car parking is discreet and accessible. A further requirement is that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers.

Policy EN 6 relates to sustainable construction and energy efficiency. The policy states that all new developments will be required to demonstrate how it minimises resource consumption, minuses energy consumption compared to the current minimum required under part L of the Building Regulations, and how it is located and designed to withstand the longer term impacts of climate change.

Policy EN 13 focuses on Pollution and Hazard Prevention and Minimisation. The policy requires all development proposals to minimise and where possible reduce, all emissions and other forms of pollution, including light and noise pollution, and ensure no deterioration in water quality. Proposals will only be permitted where, individually or cumulatively, there are no unacceptable impacts on amongst other criteria, the natural environment and general amenity, health and safety of the public and surface and ground water quality.

Policy CT 5 is concerned with the Transport Impact of New Development. The policy states that development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location. Development proposals will be considered against amongst other criteria the, whether the development is capable of being served by safe access to the highway network without detriment to the amenity or character of the area.

Policy CT 6 parking provision, requires adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development. Development proposals should make provision for vehicle and cycle parking in accordance with the Council's parking standards, including provision for vehicles and cycle parking in accordance with the Council's parking standards, including provision for parking for people with disabilities.

Principle of development (Policy SS 5 and SS 6)

The proposed extension would be integral to the main use of the site that is retail in nature, although the extension would not result in the increase in retail sales / trade floor area. The additional floor area would only be used for the storage of goods being delivered to the supermarket, a requirement that should be reiterated by planning condition, given that A1 retail would be a 'town centre use' outside the defined town centre and otherwise contrary to policy EC 5 and the National Planning Policy Framework. As such, due to the host supermarket being located within a designated Employment area of Fakenham, extensions to existing businesses (an employment generating operation) are considered to be acceptable in principle, subject to compliance with other relevant Core Strategy policies. Notwithstanding these wider policy matters, the application is therefore compliant with the principles of policy SS 5.

There would also no conflict with regards to policy SS 6 that deals with Access and Infrastructure. The number of deliveries to the site have been confirmed by the agent to be staying at their existing levels.

Policy SS 6 also deals with the provision of appropriate Infrastructure (utility services, drainage / flood protection). The existing infrastructure provisions on site are considered sufficient in scale and scope to accommodate the enlargement. The application is therefore compliant with the spatial strategy of SS 6.

Layout and Design (Policy EN 4 and EN 6)

The extension 'fills in' part of the service/delivery yard with a rectangular extension, measuring some 18.4 metres in depth and 9.0 metres in width.

The roof form indicates a parapet wall with a flat roof section beyond. The extension wall is 5.9 metres in height, (with the safety railings above), so remaining some 3.0 metres below the ridge of the main building it adjoins.

Although perhaps slightly basic in appearance, the proposal offers a utilitarian and functional design solution for the proposed use. However, it is not entirely complementary to the existing building and is considered to need further revisions.

Roof –

The extension adds a 'box like' appearance to the building which is at odds to other extensions to the building where the hipped roof has been carried over the wider parts of the store. As the extension is at the rear of the building with some direct public views, Officers have requested that a dummy pitched roof should be provided as an extension to the roof akin to the host build, although the applicant has not yet confirmed if this is possible at this stage. Without extending the roof the design is considered less than ideal, so the remainder of the extension would need to ensure it retains a noticeable lower height below the main roof ridge to provide a suitable level of subservience to the host building.

Presently, the plans indicate a metal hand rail to be positioned around the edge of the proposed flat roof. The Planning Officer has requested the applicant investigate removing this if the roof is not extended, but any alternative detailing remains to be resolved.

Elevations –

The proposed building line runs near-seamlessly through to the existing building line on the western elevation so the extension lacks the impression of subservience to the host building but in this instance views are limited to those from the residential area to the west.

In terms of materials, the applicant has revised the proposals to ensure the materials shall be clad with Kingspan Optimo (or similar) insulated panels and finished with a brick course (slips or bricks) to replicate the materials on the host building. Officers consider a brick course finish would be appropriate although the precise detailed finish of the bricks can be left to condition.

The proposed ramp/footpath and Fire Door relocation are considered acceptable within the context of the host building and area. No objections have been received from Environmental Health Officers, and those proposals are deemed compliant to Policy EN 4.

North Norfolk Building Control have confirmed that the proposed entrance on the Western elevation via the roller shutter access would also need to include a pedestrian fire escape door, although this is something for the applicant and their appointed building control inspectors to consider.

Overall, the applicant has listened to the concerns raised by Officers during the application process and partly amended the designs to Officers' satisfaction, although the building could

be better balanced by extending the roof and improving the detailing of the facing elevations (although the revised plans/details have demonstrated an intention to use appropriate materials at least). It is further considered that the removal of the hand rail and extension of the roof would be an improved solution, providing the building remains subservient, in order to have regard to local context and preserve the character and quality of the area. If the amended details can be received before the Committee meeting, no fundamental design objections should be raised.

Its location to the rear of the building prevents views of the structure from the store car park, although there are public limited views of the structure from the residential areas to the west.

Subject to final clarification of the roof form and handrail / parapet detailing, the final design is expected to appear unobtrusive, blending into the existing built form on site.

The proposal shall also help with regards to energy efficiency as the permanence of the extension shall produce a far better efficiency for the undertaking proposed than the existing temporary arrangement.

Residential Amenity (Policy EN 4 and EN 13)

The existing temporary refrigeration units are considered to be 'noisy' when running and difficult operationally for the store operatives to use. This is due to the logistical problems associated with consistently taking delivery trolleys into and out of the store. Subsequently this application seeks to improve this existing inefficient arrangement.

The design of the proposal also has an important implication on the residential amenity of the nearby residential properties. It is considered that the current proposal has overcome the initial concerns that were had with regards to impact on residential amenity.

In terms of possible overlooking, there is no designated means of access to the roof by members of staff or the public. Notwithstanding the possible use of perimeter safety railings, aside from the occasional maintenance requirements, the roof space shall not be used, and this shall be enforced via planning condition.

The applicant has agreed to consider removing the metal galvanised hand rail from around the perimeter of the roof parapet (although this is still to be confirmed). A metal hand rail running round the edge of the roof space could give the impression that the roof space was to be in frequent use (e.g. for use by staff as a recreational area). The roof space shall be conditioned to be used only for the occasional maintenance and for no other purposes whatsoever, thus overcoming this concern.

The numbers of HGV movements is intended to remain at the present level, or possibly reduce due to the increased size of the storage area. Therefore, there would be no additional volumes of traffic created that could have an impact on the nearby residential properties from the movements of these vehicles.

Although no additional traffic volumes will be caused, it appears likely that delivery vehicle turning circles will move closer to the boundary, as seen in comparison between the existing site photos and the proposed development's vehicle sweep tracking plans. The penetrative noise of the reversing alarms of the HGV's using the site shall then become closer to residents, so it is proposed that an alternative to loud 'beeping' reversing alarms should be introduced, which might involve disabling alarms in the service yard and using a banksman, or changing the alarms to 'white noise' instead; this would be required to be agreed through a condition, to protect and enhance residential amenity locally, and is considered necessary

as the nature of the land to the west of the site has changed since 2014 from being Industrial in nature to being Residential.

In relation to Plant and Machinery Noise, a grill shown to the side of the proposed extension has been removed. The applicant has confirmed there shall be no additional extraction or ventilation equipment. All the plant associated with running this new internal cold/freezer room is proposed to be powered from the existing plant room from within the main store. The fully-enclosed insulated building is considered sufficient to mitigate against noise pollution, although the applicant hopes to provide technical details to confirm the low level of noise emissions from within the building, for the benefit of the Committee.

As an additional precaution, the proposed goods delivery entrance and full length roller shutter on the southern elevation shall be conditioned to be closed other than at times of delivery, to mitigate against noise pollution. Further, vehicles in the delivery yard shall be required to turn off their engines and refrigeration units at all times when not manoeuvring.

The location of the external lights is proposed to be amended in the new plans, so these details shall also be conditioned as part of any approval. Ultimately, any light, air or noise pollution from this proposal shall be controlled adequately by planning conditions.

As such, although the Environmental Protection Officer had initially raised concerns on the possible noise issues, these are considered to have been overcome by the revisions and clarifications from the applicant, and the impact on residential amenity is considered to now be reduced to an acceptable level.

Therefore, the proposal is considered to be compliant with Policies EN 4 and EN 13.

Access, Parking and Highway Safety (Policies CT 5 and CT 6)

Deliveries to the supermarket are essential for the operational viability of the business. The applicant has confirmed the delivery numbers are not changing from the operations currently being undertaken. Indeed, the agent has stated that due to the increased area for storage on site, the actual number of deliveries on site could fall. Thus it would be unreasonable to demand any form of reduction in HGV movements via planning condition, especially given the fact that the retail floor area proposed is not increasing.

The Highways Authority has offered no objection to the application. There is considered to be adequate room to manoeuvre within the service area for HGV's both entering and leaving the site. Further, as the size of the sales area shall not be increasing, there should not be an increase in numbers of deliveries of HGV's to and from the site. A condition will be imposed to prevent the extension being used for sales / trading space (which would not be in a sustainable or sequentially-appropriate location), so as to ensure the application will not result in any additional highways impacts that could create a detrimental impact to the character of the locality or the amenity of the area and residents generally.

Manoeuvring space has increased but the turning path will be slightly closer to residents as seen in the tracking plans compared to the site photos, so reversing alarms need controlling now that residential uses are adjacent.

There is a significant amount of parking available on the site, and it is not considered that the small-scale nature of the proposal will have any adverse impact upon the existing provision or upon the surrounding highway network.

The application subsequently accords with policies CT 5 and CT 6.

Drainage

Policies SS 6 and EN 10 deal with the provision of appropriate Infrastructure (utility services, drainage / flood protection) and surface water drainage. The application form indicates that during times of flood the surface water run-off would be directed to the existing water course, however this is no change to the existing situation. No additional hardstanding is proposed as part of this application beyond what is already in place so the proposed development shall not provide any significant additional burden on Infrastructure above and beyond what is used at present. The Environmental Health Team have not raised any objections to the proposal in this regard.

Anglian Water have suggested two conditions, relating to Used Water Sewerage and Surface Water Disposal. However, due to the fact that no increase in hardstanding is proposed on site these conditions are deemed unnecessary and unreasonable. Thus the existing infrastructure provisions on site are subsequently considered sufficient in scale and scope to accommodate the enlargement; no increases or improvements to the existing arrangements are deemed necessary in this instance.

Conclusion

Although there remains a relatively significant element of design detailing to be clarified, this is expected prior to Committee and if successful, is anticipated to be able to remove any doubt that the application should be considered acceptable. The remainder of the design has been amended during the application process after guidance from the Officers to ensure that it can be compliant with the Development Plan policy. Visually, the proposal now uses materials similar in appearance to the existing, and the impact on residential amenity shall be no worse and possibly better than the existing arrangements.

There shall need to be pre-commencement conditions to indicate the nature and location of the proposed lighting arrangements on the site as well as confirming the precise form of exterior brick materials. Conditions can ensure that any additional external plant and machinery shall first need the LPA's approval in respect of design and noise emissions.

Subject to these details, therefore, it is considered that the proposal complies with the relevant Development Plan policies and is recommended for approval with associated planning conditions.

RECOMMENDATION:

If the remaining design concerns have not been addressed by the time of the meeting it is considered that the application should be delegated to the Head of Planning to be **APPROVED following receipt of suitably amended plans in respect of the proposed elevations**, and any permission should to be subject to the conditions listed below and any additional conditions deemed to be appropriate by the Head of Planning.

Conditions:

1.The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out other than in complete accordance with the revised and approved plans, drawings and specifications [to be listed].

Reason: For the avoidance of doubt as to what has been considered and approved, and to secure an appropriate quality of design and appearance in accordance with Policy EN 4 of the North Norfolk Core Strategy.

3. The extension hereby approved shall not be used for any retail sales, trading area or retail display.

Reason: To avoid any associated highway and amenity impact from increased traffic and to protect the local environment, and to avoid a detrimental impact from new retail floorspace in an out of town location in accordance with Policies EN 4, CT 5 and EC 5 of the adopted North Norfolk Core Strategy.

4. There shall be no commencement of the development hereby permitted until the details of external materials and finishes of the development have first been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed in accordance with those details thereafter.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

5. There shall be no commencement of the development hereby permitted until the details of the external lighting to be used with the service yard and its access have first been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the approved details.

Reason: In the interests of the visual amenities/residential amenities of the area and in the interests of highway safety and convenience, and to avoid light pollution in accordance with Policies EN 13 and CT 5 of the adopted North Norfolk Core Strategy.

6. There shall be no commencement of the use of the development hereby permitted until the details of a scheme to minimise the emissions of noise from HGVs delivering or collecting goods at the site via the Western access route and service yard has first been submitted to and agreed in writing by the Local Planning Authority. The development hereby permitted and the service yard shall thereafter be used only in strict accordance with those approved details.

[See also Advice Note 1].

Reason: In the interests of protecting the residential amenity of neighbouring dwellings in the area, whilst maintaining staff safety within the site, in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

7. There shall be no use of the development hereby permitted until a phasing scheme has been agreed to secure the removal of the existing plant and cold store units from the service yard / access drive area, which shall ensure their complete removal within 3 months of the commencement of the use of the new development.

Reason: To ensure the satisfactory appearance of the development and to ensure highways safety during vehicle manoeuvrings, and in the interests of visual amenity and residential amenity in accordance with Policies EN 4, EN 13 and CT 5 of the adopted North Norfolk Core Strategy.

8. All vehicles within the delivery yard within this planning permission shall turn off their engines and refrigeration units at all times other than undertaking manoeuvres.

Reason: In the interests of protecting the neighbouring residential amenity from noise and air pollution in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

9. [If a flat roof remains within the final designs] The roof space created as part of this application shall not be used or accessed other than for the undertaking of maintenance requirements.

Reason: In the interests of the visual amenities/residential amenities of the area in accordance with Policies EN 4 and EN 13 of the adopted North Norfolk Core Strategy.

10. The proposed goods delivery entrance doors using the full length roller shutter on the southern elevation shall be fixed shut at all times other than when deliveries are being taken.

Reason: In the interests of protecting the residential amenities of the area from noise in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

11. No additional plant or machinery shall be installed anywhere on the site without the prior written agreement by the Local Planning Authority.

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and residential amenity in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

12. Before any plant and/or machinery is used on the premises, it shall be enclosed with sound insulating material and mounted in a way which will minimise transmission of structure borne sound in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To control the noise emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

Informative Notes

Advice Note 1:

With regard to Condition 6 of this permission, the applicant is advised that the Local Planning Authority concerns arise from the potential disturbance caused from the noise of delivery vehicle reversing alarms. It is suggested that a scheme to be agreed under Condition 6 should consider whether reversing alarms can be disabled and a banksman provided to oversee the safe manoeuvring of vehicles to and from the site, or whether

alarms can use only 'white noise' systems, or similar. All systems should include installing appropriate signage to this effect at the gate leading into the secure compound and within the service yard.

Advice Note 2:

The applicant is advised that the fire escapes within the building will need to be approved for Building Regulations prior to construction. If changes are required to the planning application as a result, then a non-material minor amendment application maybe required to facilitate any additional openings.

- (2) **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: Mr G Linder

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 barn in order to create a three bedroom dwelling with attached double cart shed garage / store shed.

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

REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor Vincent Fitzpatrick who considers that the application complies with Development plan policy.

PARISH/TOWN COUNCIL
Binham Parish Council - No response

REPRESENTATIONS
None received

CONSULTATIONS

Conservation and Design Officer – Objects - 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 - Awaiting response

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 8: Protecting and enhancing the historic environment
Policy CT 5: The transport impact on new development
Policy CT 6: Parking provision

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.

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 and includes the re-use and adaptation of buildings for appropriate purposes.

This is expanded upon in policy HO9 which states that the conversion of a buildings in the countryside to residential use will only be permitted where the building meets the specified criteria including but not limited to that the building is soundly built and suitable for the proposed use without complete or substantial rebuilding and/or extension (including garages and other outbuildings). The re-use of buildings requiring complete or substantial rebuilding and/or extension (including garages and other outbuildings) will be treated as 'new build' and considered against other policies contained elsewhere in the Core Strategy. The policy also requires that the building does not have a substantially adverse landscape impact and the building's form, bulk and general design are in keeping with its surroundings, or if the building has a substantially adverse landscape impact the proposal would represent a significant improvement in its external appearance and setting.

In addition, paragraph 79 of the National Planning Policy Framework is also relevant. This states that planning decisions should avoid the development of isolated homes in the countryside unless certain specified circumstances apply. One of these such circumstances is where 'the development would re-use redundant or disused buildings and enhance its immediate setting'.

Prior notification of the intention to convert the barn to a dwelling was approved by the Local Planning Authority in October 2015 and this was followed by planning application PF/15/1748 to allow conversion of the barn to a dwelling, which 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 barn which could be implemented subject to the discharge of any pre commencement conditions.

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

In comparison the scheme as proposed and for consideration by Members, would involve infilling the open courtyard to the southern elevation and a new extension to the north eastern corner, which combined would have a floor area of some 140 sq. metres making a total floor area of 290 sq. metres.

As a result of comparison to the approved scheme there would be a net increase in floor area of some 140 sq. metres, which represents nearly a one hundred percent increase in the size of the building which is considered to be contrary to the aims of policy HO9. Furthermore, as a result of the increased floorspace, the building's form, bulk and general design, would not be considered to be in keeping with its surroundings.

It is therefore considered that in principle the scheme as proposed would fail to accord with the requirements of policy SS2, and HO9 of the Core Strategy.

2. Design

As the present time the barn is a simple 'U' shaped form building 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 scheme as proposed would involve the infilling of the courtyard to the southern elevation with a flat roofed extension, with a large glazed lantern light which would provide a dining / sitting room. This would connect the two south facing wings to either side which would serve 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 new wing is proposed projecting out in a northerly direction from the north eastern corner of the barn. This would contain a bathroom, plant room double cart shed garage and store, and would be clad in horizontal boarding. In comparison to the rest of the barn, which has an eaves height of some 2.5 metres and ridge height of 4.7 metres, the garage /store, would be some 10 metres in length, with an eaves height of 3.0 metres and ridge of 5.8 metres.

It is therefore considered that due to its scale, massing and location the garage / store would be out of scale with the rest of the barn and would dominate views of the building when approaching along the access driveway off the Warham Road. Similarly, although only visible from surrounding countryside, the infilling of the open courtyard to the southern elevation would significantly alter the form, character and appearance of the original barn. In particular the reconstruction of the gables in brick together with the brickwork and extent of glazing to the flat roofed extension, combined with the glazed lantern would give this elevation a very domestic appearance with the building being more akin to a modern bungalow than a converted barn.

The domestication and loss of character of the barn is further exacerbated with the choice of windows. As previously approved the scheme of conversion not only respected the character and appearance of the original barn but where glazing was required this was simple in form and utilised existing openings. The only exception to this being the introduction of two roof lights to the outer roof slopes of the two wings.

In comparison, the scheme as proposed has totally ignored the original openings with additional windows being introduced, not to retain the character and appearance of the building but to serve the internal layout. Furthermore, the windows as proposed are small, square single pane either dotted along an elevation or set in horizontal rows of three or four windows. It is considered that the style, form and overall appearance of such windows are totally inappropriate for a building of this nature, and would only serve to further accentuate the domestic appearance of the building.

It is therefore considered that the overall scheme of conversion due to its form and external appearance would fail to comply with the requirements of policy EN4 which requires that extensions and alterations to existing buildings and structures will be expected to be suitably designed for the context within which they are set and ensure that the scale and massing of buildings relate sympathetically to the surrounding area. Furthermore it should have regard to the North Norfolk Design Guide, in particular Section 7 - Conversions, which suggests that schemes of conversion should minimise the number of new openings and avoid any works which rob the building of its architectural feature and interest.

3. Heritage

Although the barn itself is not within the Binham conservation area the northern part of the garden and driveway is within the designated area. There are limited views of the barn when looking south from the access onto the Warham Road. Furthermore, being set in the open landscape to the south of the ribbon development along the Warham Road the barn is seen against the backdrop of the conservation area to the north from the surrounding countryside.

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, 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 (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.

Whilst the alterations to the barn proposed could not be seen to result in “less than substantial harm”, to the significance of the heritage asset, as referred to in the NPPF the latest conversion scheme would fail to respect the simple character and utilitarian appearance of the host building and it turn could not be seen to preserve or enhance the character and appearance of the wider Binham conservation area.

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.

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
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 scheme of conversion, 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 and number and appearance of the new window openings, 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.

- (3) **BRISTON - PF/18/1546 - Erection of 4 no. two storey semi-detached dwellings;
The Spinney, 1 Grove Road, Melton Constable, NR24 2DE for Ms Tacon**

Minor Development
- Target Date: 02 November 2018
Case Officer: Mr G Linder
Full Planning Permission

CONSTRAINTS

Settlement Boundary
Residential Area
Conservation Area
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

PLA/20080329 PO
Land off Grove Road, Melton Constable
Erection of Thirty-Eight Dwellings - Approved 08/02/2012

PM/15/0170 PM
Bowling Green, Grove Road, Melton Constable, NR24 2DE
Erection of 38 dwellings - Approved 06/05/2015

IS2/17/1273 IPA
The Spinney, 1 Grove Road, Melton Constable, NR24 2DE
Proposed development of between 4 and 6 dwellings with existing dwelling retained
Advice Given (for pre-apps) 03/10/2017

THE APPLICATION

Seeks permission for the erection of 4 no. two storey, semi-detached dwellings with associated access driveway and car parking, within part of the garden area of The Spinney, a single storey bungalow to the north west of the site.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor J English who considers that the proposal will result in an overdevelopment of the site, have implications in respect of highway safety, parking and the loss of a number of trees.

PARISH/TOWN COUNCIL

Briston Parish Council - No response

Melton Constable Parish Council - Object on the following grounds:-

- A bat survey in July 2018 identified this land as a bat corridor used by eight species of bat.
- The application is considered to be over-development, with one property becoming five.
- The properties in the application are incredibly small, with units 1 & 2 at the bare minimum allowed floor space of 70sqm.
- It is clear that the external space will not allow for the parking spaces necessary (3 people in the 2 bedroom, and up to 5 people in the 3 bedroom). This could amount in an increase for the 4 properties of up to 14 cars in total.

REPRESENTATIONS

Two letters of objection have been received from local residents which raise the following concerns, (summarised):-

1. Development is too large and out of context with the architectural character of the area.
2. Out of character with the conservation area.
3. Will effectively block the wildlife corridor that connects the wooded and agricultural areas.
4. Will result in highway safety issues at the junction of Grove Road and Briston Road.

CONSULTATIONS

Conservation and Design Officer - No objection

County Council (Highway) - Cromer - No objection subject to the imposition of conditions to include the submission of details for the provision of a footpath across the frontage of the site, increasing the width of the access and the provision of visibility splays.

Historic England - No objection

Environmental Health - No objection

Landscape Officer - No objection on landscape or biodiversity grounds however considers that the submitted landscape scheme does not adequately compensate for the loss of all the trees and removed vegetation. With this in mind, it is considered that some further improvement on the landscape planting could be made, including the provision of a suitable replacement tree for the ash which has sufficient space to grow to provide similar amenity value to that removed. These improvements could be secured by way of condition.

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

Relevant Planning Policies - North Norfolk Core Strategy adopted 2008:

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS 3: Housing

Policy SS 4: Environment

Policy HO 1: Dwelling mix and type

Policy HO 2: Provision of affordable housing

Policy HO 7: Making the most efficient use of land

Policy EN 4: Design

Policy EN 8: Protecting and enhancing the historic environment

Policy EN 9: Biodiversity and geology

Policy CT 5: The transport impact on new development

Policy CT 6: Parking provision

National Planning Policy Framework (NPPF)

Section 5: Delivering a sufficient supply of homes

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

1. Principle of development
2. Dwelling Mix and Type
3. Housing Density
4. Design
5. Heritage
6. Biodiversity and Trees
7. Highways

APPRAISAL

1. Principle of Development

Policy SS1 sets out the spatial strategy for North Norfolk and Melton Constable is identified as a Service Village where a small amount of new development is considered acceptable to support rural sustainability subject to complying with other Core Strategy policies. The site is within the development boundary for Melton Constable and in an area in residential use. The principle of the proposed development is considered to be in accordance with policy SS1 and SS3 of the Core Strategy. .

2. Dwelling Mix and Type (Policy HO1)

Policy HO1 requires that on schemes of three or four dwellings, at least one dwelling shall comprise not more than 70 sq. metres internal floor space and incorporate two bedrooms or fewer.

The scheme as proposed would involve the erection of 4 dwellings comprising:-

- Units 1 & 2: 2 bed, 3-4 person dwellings, total internal floor space of each dwelling 70.0 sq. metres.
- Unit 3: 2 bed, 3-4 person dwelling, total internal floor space 80.0 sq. metres
- Unit 4: 3 bed, 5 person dwelling, total internal floor space 126.0 sq. metres.

The scheme is considered to accord with the requirements of policy HO1 of the Core Strategy and provide an acceptable mix of accommodation.

3. Housing Density - (Policy HO7)

Policy HO7 requires that proposals for residential development will be permitted provided that the development optimises the density of the site in a manner that protects or enhances the character of the area. In service villages, the policy states that the density should be not less than 30 dwellings per hectare.

The calculation of the proposed density has been made on the basis of the exclusion of the access, existing bungalow and its residential garden to the north/west). As a result the proposed development site equates to approximately 0.14 hectares.

When calculated, the proposed development results in a housing density of approximately 20 dwellings per hectare. Although policy HO 7 requires housing to be developed at a minimum density of 30 dwellings per hectare, it is accepted that a more flexible approach to density is appropriate in some circumstances, with consideration given to the form and character of the site and surrounding area and including landscaping and tree considerations. Given the site constraints and prevailing character of the area, it is considered that a reduced density as proposed would be acceptable in this location and as such, on balance, the proposals are considered to be acceptable.

4. Design - (Policy EN4)

The proposed development will be served off the existing upgraded driveway from Grove Road with each dwelling having two tandem car parking spaces to the side of the property with two visitor spaces to the frontage of the development. As part of the scheme the existing single storey bungalow to the North West would be retained and a garden area provided to the north of this property.

As a result of concerns raised that the proposed development is out of character with nearby Edwardian terraces in Grove Road, which form part of the original railway village, amended plans have been received which introduce half dormers to the front elevations. These are similar in style and proportions to other properties in the vicinity of the site. In addition the

proposed palette of materials, which include red facing bricks and a mix of red pantiles and slate to the roofs together with a smooth render to the apex of the half dormers would be similar to surrounding properties and is considered acceptable.

Given that the proposed dwellings are set back from Grove Road by 65 metres and are not seen in direct context with the terrace of Edwardian cottages, it is considered that the dwellings are acceptable both in terms of their scale and massing and elevational treatment.

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 the footprint of the dwelling. The proposed layout allows for reasonable size rear gardens which accord with the requirements of the NNDG.

As far as the relationship with existing neighbouring properties is concerned, the window to window distances between the terraced dwellings to the east of the site at Nos 1-5 and 7-11 Bridge Close, and the terraced dwellings at 16-24 Jewel Close to the south of the site, these all meet the minimum distance of 15 metres between secondary and secondary windows as identified in Section 3.3.10 of the NNDG. In terms of 5 Bridge Close, this building has a blank west gable elevation facing the site. As a result it is not considered that there is any potential for overlooking and/or loss of privacy to this property or indeed from this property to the gardens of the proposed dwellings. Furthermore, although the existing bungalow to the north west of the proposed development is to be retained this has a large private rear garden to the north of the bungalow which would not be overlooked by the dwellings in the proposed development. There is a small amount of overlooking of the front south facing windows of the bungalow but this is sited at an oblique angle to the proposed dwellings such that the overlooking which will occur is not considered to be so significant as to warrant refusal of the application.

Disturbance to amenity may arise from vehicles accessing the new dwellings along the access driveway as this will run past the front windows of the existing bungalow which is to be retained. However, it is proposed that a new frontage hedge to the existing bungalow will be planted as part of the proposals, which will mitigate any noise or light impact to an acceptable level.

It is therefore considered that the proposed development would not result in any significant harm to the amenity of the surrounding dwellings and the existing bungalow and would accord with the requirements of policy EN4 of the adopted Core Strategy.

5. Heritage - (Policy EN8)

The 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 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 132, 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 or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 134 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' (emphasis added).

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

The site lies within the Melton Constable Conservation Area. The site is considered to be a back land location with a self-contained quality so its visible presence in the wider Conservation Area is very limited. The form of the development will replicate the form of surrounding developments and has taken its design and materials references from those surrounding properties, in addition, this part of the Conservation area lies outside the original core of the settlement and thus has a more mixed form of development. It is not considered that development of the site as proposed would harm the significance of the Melton Constable Conservation Area. Therefore the proposals are considered to preserve the heritage asset and to accord with the requirements of policy EN 8 of the adopted Core Strategy and the NPPF.

6. Biodiversity and Trees - (Policies EN2 and EN4)

The scheme as proposed will involve the removal of a total of 29 trees, including a line of Lawson's Cypress, a portion of boundary shrub hedge planting, together with the removal of a large mature ash tree which has been assessed as having 'ash dieback' disease.

The Arboricultural Impact Assessment, Tree Protection Plan and Method Statement submitted with the application suggest that the removal of the trees and particularly the planting to the north western boundary will allow the establishment of a better long term planting scheme for the boundary to include both hedge and standard trees.

The existing trees and vegetation provide an important natural corridor of local ecological value, linking neighbouring green space and the application site. The proposal will result in the loss of some amenity value trees and hedging both within and outside of the Conservation Area, and reduce the biodiversity connectivity within the local area.

Although a landscaping scheme has been submitted as part of the application considerable is considered that the quality, quantity and placement of planting does not adequately compensate for the loss of all the removed vegetation. With this in mind, it is considered that some further improvement on the landscape planting could be made, including the provision of a suitable replacement tree for the ash which has sufficient space to grow to provide similar amenity value over time, which would make the development more acceptable.

It is suggested that these improvement could be secured by way of condition, and should include a condition requiring the submission of details of external lighting given the importance of the ecological corridors on the site. Subject to the imposition of such conditions the application is considered to be in accordance with the requirements of policy EN 9 and the NPPF.

7. Highways - Policies (CT 5 and CT 6)

It is proposed that the existing access driveway off Grove Road would be upgraded to a width of 3.5 metres in order to serve both the existing bungalow and the proposed new development, with car parking associated with each dwelling. Based on the parking standards contained in Appendix C of the North Norfolk Local Development Framework Core Strategy and Policy CT6 the development would require the following levels of car parking.

- 2 bed dwellings 2 spaces per unit.
- 3 bed dwelling 3 spaces per unit.

Based on the layouts proposed the development would accord with these requirements.

In terms of access to the site, the Highways Authority has raised no objection to the proposal subject to the construction of a footpath across the frontage of the site and the provision of visibility splays to either side of the access which can be secured by way of conditions. 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.

Conclusion

In summary, the site is within the development boundary for Melton Constable where in principle the redevelopment of the site is considered to be acceptable. Overall it is considered that the layout as proposed is acceptable and the scheme accords with the requirement of the Core Strategy both in terms of the dwelling mix, type and density. Furthermore, the development of the site is not considered to result in any harm to the Melton Constable Conservation Area.

It is accepted the proposed development will involve the removal of a significant number of trees and other vegetation, including a mature diseased Ash tree, which contribute to the biodiversity of the area and act as an ecological corridor of movement. Notwithstanding this, on balance the removal of the trees and vegetation is considered acceptable subject to the submission of a satisfactory landscaping scheme for replanting both to the boundaries and within the site itself which can be secured by condition.

The proposed development is not considered to give rise to any highway safety or car parking issues subject to the construction of a new footpath to the frontage of the site and the provision of visibility splays.

RECOMMENDATION:

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 relating to:

1. Time Limit for implementation
2. Developed in accordance with the submitted plans
3. Details of external materials.
4. Submission of Landscaping scheme for the replanting of the site
5. Submission of Arboricultural Method Statement and Tree Protection Plan
6. Details of external lighting
7. Protecting remaining trees during construction
8. Submission of details of off-site highway works, including footpath to frontage of site and visibility splays, secured by way of Section 278 agreement
9. Provision of on-site car parking prior to first occupation
10. Provision of access prior to first occupation

(4) **APPLICATIONS RECOMMENDED FOR A SITE INSPECTION**

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

APPEALS SECTION

(5) **NEW APPEALS**

**WELLS-NEXT-THE-SEA - PF/18/0577 - Variation of condition 2 (approved plans) of planning permission PF/17/1065 to allow for alterations to position and sizes of windows in south and east elevations, additional rooflights including one to provide amended access arrangement to the roof terrace, changes to external materials to parts of front elevation and alterations to internal layout of ground floor storage area and to part of first floor; Land adjacent to Hampden House, East Quay, Wells-next-the-Sea for Mr Chick
WRITTEN REPRESENTATIONS**

**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
WRITTEN REPRESENTATIONS**

**WIVETON - PF/18/1606 - Removal of conditions 3 & 4 of planning permission PF/98/0065 to allow unrestricted residential occupancy; The Old Exchange, Hall Lane, Wiveton, Holt, NR25 7TG for Ms Harrison
WRITTEN REPRESENTATIONS**

(6) **INQUIRIES AND HEARINGS - PROGRESS**

**TUNSTEAD - PF/17/0428 - Change of use from Agricultural to General Industrial (Class B2) (retrospective); Unit 13, Beeches Farm, Crowgate Street, Tunstead, NORWICH, NR12 8RF for Mr Platten
PUBLIC INQUIRY 25 September 2018**

TUNSTEAD - ENF/15/0067 - Unauthorised commercial uses of former agricultural buildings; Beeches Farm, Crowgate Street, Tunstead, Norwich, NR12 8RF PUBLIC INQUIRY 08 November 2018

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

BINHAM - PF/17/2178 - Erection of single-storey rear extension; The Stewards House, 27 Front Street, Binham, Fakenham, NR21 0AL for Mr Holmes

BINHAM - LA/17/2179 - Internal and external alterations to facilitate erection of single-storey extension; The Stewards House, 27 Front Street, Binham, Fakenham, NR21 0AL for Mr Holmes

BINHAM - PU/18/0398 - Prior approval for proposed conversion of agricultural buildings to two dwellinghouses (Class C3) and associated operational development; Agricultural Buildings, Westgate Farm, Warham Road, Binham, NR21 0DQ for Norfolk County Council

DUNTON - PF/17/0613 - Equestrian business with stabling and teaching facility including formation of riding arena with floodlighting, new building to provide stabling; Cannister Hall Barns, Swaffham Road, Toftrees, FAKENHAM, NR21 7EA for Mr Donohue

FAKENHAM - PF/17/2015 - Extension to annexe (retrospective); 6 Whitelands, Fakenham, NR21 8EN for Ms Steel

HOLT - PO/18/0061 - Erection of single storey dwelling - outline (details of access only); Highgate, Norwich Road, Holt, NR25 6SW for Mr & Mrs Bond

PUDDING NORTON - PF/18/0229 - Erection of three dwellings (affordable housing comprising 1 bungalow & 2 two-storey houses) - part retrospective; Adjacent to, 24 Green Lane Estate, Pudding Norton, Fakenham, NR21 7LT for Mr Tevenan

FAKENHAM - ENF/17/0216 - Building works not in accordance of the approved plans- ref PF/16/0858; 6 Whitelands, Fakenham, NR21 8EN

RUNTON - ENF/18/0299 - Unauthorised engineering works; 2 Garden Cottages, Felbrigg Road, East Runton, Cromer, NR27 9PE

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

BODHAM - PO/17/2115 - Erection of detached single storey dwelling (outline application with all matters reserved); 15 Hart Lane, Bodham, Holt, NR25 6NT for V Jay

APPEAL DECISION:- APPEAL DISMISSED

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

No change from previous report.