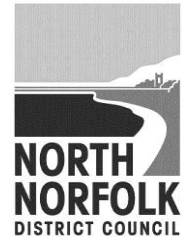


# Development Committee



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14 February 2018

A meeting of the Development Committee will be held in the **Council Chamber** at the Council Offices, Holt Road, Cromer on **Thursday 22 February 2018 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 15 March 2018.**

## **PUBLIC SPEAKING – TELEPHONE REGISTRATION REQUIRED**

Members of the public who wish to speak on applications are required to register by **9 am on Tuesday 20 February 2018** 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 attending this meeting may take photographs, film or audio-record the proceedings and report on the meeting. Anyone wishing to do so must inform the Chairman. 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 Fitch-Tillett, Mrs A Green, Mrs P Grove-Jones, Mr B Hannah, Mr N Lloyd, Mr N Pearce, Ms M Prior, Mr R Reynolds, Mr P Rice, Mr S Shaw, Mr R Shepherd, Mr B Smith, Mrs V Uprichard

**Substitutes:** Mr D Baker, Mrs S Bütikofer, Mr N Coppack, Mrs A Claussen-Reynolds, Mrs J English, Mr T FitzPatrick, Mr V FitzPatrick, Mr S Hester, Mr M Knowles, Mrs B McGoun, Mrs J Oliver, Miss B Palmer, Mrs G Perry-Warnes, Mr J Punchard, Mr J Rest, Mr E Seward, Mr D Smith, Mr N Smith, 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 25 January 2018.

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) **HOVETON - PF/17/1270** - Erection of two-storey rear extension to retail store and change of use of former Broads Hotel site to provide car-parking; Forge House, Stalham Road, Hoveton, Norwich, NR12 8DU for Roys of Wroxham

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- (2) **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 for Mr Donohue

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- (3) **PASTON - PF/17/0630** - Contractor's site compound including the siting of container style temporary buildings for use as offices, storage and staff facilities; car parking area, lighting towers, areas for materials storage and storage tanks. Perimeter fencing; J Murphy & Sons Site Office, Paston Road, Bacton, Norfolk, NR12 0JN for J Murphy and Sons Ltd Page 25
- (4) **NEW APPEALS** Page 34
- (5) **INQUIRIES AND HEARINGS - PROGRESS** Page 35
- (6) **WRITTEN REPRESENTATIONS APPEALS - IN HAND** Page 35
- (7) **APPEAL DECISIONS – RESULTS AND SUMMARIES** Page 36  
(Appendix 1 – page 37)
- (8) **COURT CASES – PROGRESS AND RESULTS** Page 36
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 - 22 FEBRUARY 2018**

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) **HOVETON - PF/17/1270 - Erection of two-storey rear extension to retail store and change of use of former Broads Hotel site to provide car-parking; Forge House, Stalham Road, Hoveton, Norwich, NR12 8DU for Roys of Wroxham**

**Major Development**

**- Target Date: 07 December 2017 (extension agreed until 23 February 2018)**

Case Officer: John Dougan

Full Planning Permission

**CONSTRAINTS**

Broads Authority Area (on the opposite side of Station Road to the west)

LDF – Town Centre

LDF - Primary Shopping Area

LDF - Principal Routes

LDF - Settlement Boundary

Flood Zone 2 - 1:1000 chance (as a small island to the south of the building)

Incidences of surface water flooding (risk of flooding from surface water 0.1, 1 and 3% annual probability)

Controlled Water Risk - High (Ground Water Pollution)

Development within 60m of Class A road

Unclassified Road

Public Rights of Way Footpath

**RELEVANT PLANNING HISTORY**

PLA/19930048 ROYS ALTERATIONS TO ACCESS AND INTERNAL LAYOUT OF CAR PARK, REPOSITIONING OF BUS LAYBY AND PROVISION OF ONE WAY SYSTEM

Approved 09/08/1993

PLA/19950834 ROYS CONSTRUCTION OF DEPARTMENT STORE, NEW ACCESS ROAD AND SERVICE DELIVERY AREA, AND AMENDED CAR PARK LAYOUT Approved

08/09/1995

PLA/19960503 LAND ADJACENT ROYS CAR PARK, EXTENSION TO GOODS SERVICE YARD AND ADDITIONAL CAR PARKING Approved 23/09/1996

PLA/19960260 ALTERATIONS TO CAR PARK LAYOUT AND ACCESS (AMENDMENT TO APPROVAL 01 950834 PF) Approved 17/04/1996

PLA/19970532 MODIFICATIONS TO CAR PARKING LAYOUT Approved 04/07/1997

DP/13/1342 Broads Hotel, Prior notification of intention to demolish hotel building Approved 04/12/2013

## **THE SITE AND SURROUNDINGS**

Hoveton is a secondary settlement as defined in Core Strategy Policy SS1, Roys of Wroxham having a significant presence within it including a department store, food hall, toy store, garden centre, DIY store and petrol station.

The existing premises the subject of this application (department store) is located within Hoveton Town Centre's Primary Shopping Area. These premises comprise a two-storey building in red brick and render which fronts Norwich Road, Station Road and Newey's Way, having a large area of car parking to the rear.

The site is approximately 50 metres from the River Bure a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC).

It is acknowledged that a small portion of the site is within Flood Zone 2, but this is located on the Norwich Road frontage and not within close proximity of the area proposed for development area.

The remainder of the site is located in Flood Zone 1 and there are known incidences of surface water flooding along Station Road, Norwich Road and to the rear of the existing building (part of the car park / service yard). Specifically:

- Risk of Flooding from Surface Water 1 in 1000 (0.1%) annual probability – along Norwich Road and Station Road, to the rear of existing building, a section of land adjacent to the northern boundary of the site and parts of Neweys Way.
- Risk of Flooding from Surface Water 1 in 100 (1%) annual probability – adjacent to the frontage of the delivery yard and extended parking area.
- Risk of Flooding from Surface Water 1 in 30 (3.3%) annual probability – adjacent to the frontage of the delivery yard.

The existing gross floor area of the department store is 3,659 sqm and is served by 298 car parking spaces for customers. It is understood that many visitors / shoppers use the car park, which is subject to a 2 hour time limit, to visit other shops in the town.

## **THE APPLICATION**

The proposal comprises the addition of a two storey extension to the rear of the building (the side away from Norwich Road) to provide an extended sales area and café/restaurant, including outside terrace. This would increase the gross floor area of the building by 1,672 sqm from 3,659 sqm to 5,331 sqm.

The proposal also includes re-configuration of the existing car park, provision of a smaller service yard and a new 46 space car park on the adjacent site of the former Broads Hotel. As a result of the alterations / additions, parking provision on the site will increase from 298 to 302 car parking spaces.

## **REASONS FOR REFERRAL TO COMMITTEE**

Due to the objection from the Highway Authority, a technical consultee to the application.

## **REPRESENTATIONS**

One objection has been received citing the following issues:

Station Road would benefit from having more buildings in the form of shops, offices, etc to make this road a pleasure to walk along from the station. At the moment with the numerous car parks immediately fronting Station Road it is a road devoid of almost anything attractive and the application's suggestion of having more parking close to the road will do nothing to improve this.

## **CONSULTATIONS**

Responses summarised as follows:

### External consultees:

#### **Norfolk County Council (Highways) - OBJECTION**

##### *Transport impact*

Both the Transport Statement (TS) and the application form are slightly confusing in relation to the increase in the size of the retail floor space, however an assessment has been made on the assumption that the figures quoted relate to the increase in proposed floor area rather than the total gross floor area following completion.

Whilst not entirely agreeing with the agent's statement in relation to traffic generation and the use of TRICS figures and their claim that there will only be a 0.01% increase in traffic on the network, nevertheless the methodology employed is broadly acceptable and it is agreed that the net increase will be minimal. The transport impact of the development is confirmed not to be severe.

##### *Highway safety*

It is acknowledged that the proposed access into the new car park is far from ideal and it is considered to not offer the most practical solution. The access is narrow and the internal alterations required in conjunction with its creation will result in a more convoluted route for drivers. Nevertheless, there is no direct impact upon highway safety and accordingly no objection is raised against either the proposed new car park or its access.

However, the extension to the store itself will result in the loss of the existing service and delivery yard, which is currently of sufficient size to allow delivery and service vehicles to turn on site. The proposed replacement is much smaller and removes the ability for HGV's to turn. Due to the one way system, any HGV's delivering to the site and then heading south towards Norwich would first need to arrive by turning right out of Church Lane, proceed to cross over Norwich Road and then turn left into Station Road. Without arriving via this junction, HGV's would be forced to head north towards Stalham. The Church Lane junction already contributes to congestion and is configured so as to discourage this manoeuvre. The highway authority has indicated that HGV's utilising the junction in this manner will cause a severe impact upon traffic whilst HGV's attempt this difficult manoeuvre and also places highway users at significant risk of collision. There are also a significant number of pedestrian movements at this point such that adding this difficult manoeuvre with HGV's would lead to unacceptable pedestrian conflict. The applicants have also not demonstrated that HGV's can make the turn without overrunning the traffic islands.

In addition, the current delivery yard can cater for more than one delivery vehicle. This proposal increases the size of the store and hence the propensity for more than one delivery vehicle to arrive at the same time yet seeks to reduce the size of the delivery yard so that in future it would only cater for one HGV vehicle.

The applicant does not appear to control sufficient land to provide safe visibility at the proposed car park access. Also the proposal does not incorporate adequate facilities for the servicing of the premises, which would therefore result in the manoeuvring of vehicles on the adjoining highway to the detriment of highway safety. Therefore on this basis the Highway Authority recommends that the proposed development should be refused on highway safety grounds.

**Norfolk County Council (Lead Local Flood Authority)** - Officers have screened this application and it falls below the current threshold for providing detailed comment. The Local Planning Authority should satisfy itself that the applicant has demonstrated compliance with;

- The National Planning Policy Framework (“NPPF”) paragraph 103 by ensuring that the proposal would not increase flood risk elsewhere.
- Written Ministerial Statement HCWS 161 by ensuring that Sustainable Drainage Systems for the management of run-off are put in place.

**Natural England** – No comments to make on this application.

**Environment Agency** – Awaiting response

**Anglian Water** - No comments received

#### **Broads Authority**

- Whilst the Broads Authority do not object to the use of the Broads Hotel site as replacement parking. Consideration should be given to emerging policies PUBHOV3 and PUBHOV5, in particular the creation of a local threshold for the impact test for any increase in floor space, helping address the fragmented nature of the commercial / retail presence particularly along the Station Road frontage by encouraging A3/A4 uses on sites such as the former Broads Hotel site.
- The proposed extension would result in the loss of car parking spaces and as such the basic logic of providing replacement car parking is understandable. However, it is noted that there are significant areas of parking further along Station Road and these may prove adequate in contributing to overall parking need in the town centre, without needing to provide additional parking on an existing vacant site.
- The proposal would benefit from greater levels of cycle parking
- The extension and servicing will have a negligible/minimal visual impact on the conservation area. Although it is recommended that details relating to materials and the servicing of the building be secured by condition.

#### **Broadland District Council**

- No comments received.

#### **Hoveton Parish Council**

- The development could benefit from additional cycle parking spaces
- The Council would like to see the bus layby extended in length to allow more space for buses arriving early to safely park and wait without obstructing the highway.

#### **Wroxham Parish Council**

- The road is already heavily congested with large traffic queues during the summer months, the development will exacerbate this problem and also increase air pollution
- Adverse impact on the Broads Special Area of Conservation.
- Disagree with the suggestion by the applicant that the traffic volume would increase by only 0.01% and that there would be only 1 additional delivery a week.

#### **North Norfolk District Council - Internal consultees**

**Economic Growth** - It is recognised that there are potential economic benefits that could be derived by such a proposal (e.g. permanent job creation, supply chain, tourism etc.) and which could serve the local business community within North Norfolk.

**Environmental Health** - The transport assessment regarding this proposal has been examined and the conclusions of the assessment appear reasonable given the nature and

design of store and the extension. The contribution to traffic flow is likely to be negligible and effects on the current traffic numbers minimal, as such, the contribution to the air quality situation is unlikely to be an issue. Changes to parking arrangements are almost neutral regarding overall spaces and contributions to traffic flow at peak times is not significant, only 28 additional trips. This contribution to traffic flow (0.01 contribution) is unlikely to have a significant impact on air quality. In view of the above it is not believed that a full air quality assessment of the development is necessary and there are no objections, subject to use of planning conditions

**Landscape Officer** - The Primary Ecology Appraisal (PEA) identified a number of habitats within the site boundary, some of these habitats were considered suitable to offer opportunities for nesting birds and hedgehog.

The PEA found no evidence of bat activity within any of the buildings on the site. The habitat and vegetation within the former Broads Hotel site did provide suitable foraging habitat for bats although lighting could deter bats and more suitable habitat was found in close proximity to the site.

With respect to nesting birds, the habitats on the site were considered to provide opportunity for nesting birds therefore mitigation would be required to avoid disturbing nesting birds during the bird nesting season. Invasive plant species were found within the former Broads Hotel site, which will require suitable construction methodology to ensure the spread of these species, is contained.

As a result of the findings of the PEA and in accordance with the Council's biodiversity policy (EN9) and the NPPF, the recommendations identified within the PEA (Section 8) to avoid, mitigate and enhance the site for biodiversity should be made a condition of any planning permission granted.

An Arboricultural Impact Assessment and Tree Survey has been submitted, this concludes that five individual or groups of trees will need to be removed to facilitate the development. Whilst the Landscape Section are satisfied that this is acceptable, replacement planting will need to be secured via condition to ensure that the local landscape retains suitable mature tree planting. In addition, the Method Statement submitted as part of the AIA should also be conditioned as part of any approval granted.

There is a concern that the proposed development will have an impact on the overall amount of soft landscape treatment which currently helps break up the mass of car parking and softens the street scene. Of particular concern is the proposed service yard that runs the length of Station Road. This could create a very harsh and enclosed sense of place to the pedestrian environment on Station Road. To this end a hard and soft landscape scheme, which alleviates these impacts and delivers suitable planting with visual and ecological benefits, will be required as a condition of planning.

### **HUMAN RIGHTS IMPLICATIONS**

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

- Article 8: The Right to respect for private and family life.
- Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

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

### **CRIME AND DISORDER ACT 1998 - SECTION 17**

The application raises no significant crime and disorder issues.



## **POLICIES**

North Norfolk Core Strategy (Adopted September 2008):

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

Policy SS 4: Environment (*strategic approach to environmental issues*).

Policy SS 5: Economy (*strategic approach to economic issues*).

Policy SS 6: Access and Infrastructure (*strategic approach to access and infrastructure issues*).

Policy SS 11: Hoveton (*identifies strategic development requirements*).

Policy EN 1: Norfolk Coast Area of Outstanding Natural Beauty and The Broads (*prevents developments which would be significantly detrimental to the areas and their setting*).

Policy EN 2: Protection and enhancement of landscape and settlement character (*specifies criteria that proposals should have regard to, including the Landscape Character Assessment*).

Policy EN 4: Design (*specifies criteria that proposals should have regard to, including the North Norfolk Design Guide and sustainable construction*).

Policy EN 6: Sustainable construction and energy efficiency (*specifies sustainability and energy efficiency requirements for new developments*).

Policy EN 9: Biodiversity and geology (*requires no adverse impact on designated nature conservation sites*).

Policy EN 10: Flood risk (*prevents inappropriate development in flood risk areas*).

Policy EN 13: Pollution and hazard prevention and minimisation (*minimises pollution and provides guidance on contaminated land and Major Hazard Zones*).

Policy EC 5: Location of retail and commercial leisure development (*specifies appropriate location according to size*).

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

Policy CT 6: Parking provision (*requires compliance with the Council's car parking standards other than in exceptional circumstances*).

National Planning Policy Framework (NPPF):

Section 1 – Building a Strong and Competitive Economy

Section 2 – Ensuring the Viability of Town Centres

Section 4 – Promoting Sustainable Transport

Section 7 – Requiring Good Design

Section 9 – Promoting Healthy Communities

Section 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 11 – Conserving and Enhancing the Natural Environment

Section 12 – Conserving and Enhancing the Historic Environment

Broads Authority - Site Specific Policies Local Plan 2013-2028 adopted July 2014

HOV1 – Development Boundary

HOV4 – Village Retail Core

Broads Authority - Development Management Policies 2011 – 2021 adopted Nov 2011

DP1 – Natural Environment

DP3 – Water Quality and Trees

DP4 – Design

DP5 – Historic Environment

## **MAIN ISSUES FOR CONSIDERATION**

1. Principle
2. Impact on the vitality and viability of Hoveton town centre

3. Highway and Parking Impacts
4. Design
5. Landscape and Ecology
6. Flooding, Contamination and Air Quality

## **APPRAISAL**

### **Principle**

Core Strategy Policy EC5 states that new retail proposals will be permitted provided that its location and size complies with relevant criteria. The policy indicates that a retail proposal comprising a net sales area of 750 sqm or greater should be located within a defined Primary Shopping Area of a large town centre.

The proposal comprises the extension of an established department store within Hoveton town centre which is classed under the Local Plan as a small town centre. Whilst the additional retail floor area being proposed would amount to 1,672sqm and therefore above that set out in Core Strategy Policy EC 5, the site is located within the defined Primary Shopping Area and therefore represents the best sequentially available site for retail development.

The development site is located adjacent to the Broads Authority Executive Area and the policies within the Broads Authority Development Plan are a material consideration when determining planning applications in this area. The proposed development is considered to be generally consistent with Broads Authority Site Specific Policies HOV1 and HOV4, which seek to direct development to locations within the designated village centre to secure the continued viability, vibrancy and appearance of that area.

The comments of the Broads Authority are noted in respect of concerns that the retail offer along Station Road, Hoveton is fragmented and that Broads Authority emerging local plan policies seek to address this by encouraging retail/commercial presence on land west of Roys store such as the former Broads Hotel site. Whilst there is merit in this aspiration and the Council are working with Roys to secure longer-term development of the former Broads Hotel site, in view of the emerging policy not being adopted policy at this time, little weight can be applied to the Broads Authority emerging policy. Furthermore, it has to be recognised that the use of the former hotel site as a car park will not prevent alternative uses for the car park being explored in the future.

The NPPF is a material planning consideration and paragraph 19 of that document states:

*“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”*

Subject to the proposal not having a significant adverse impact on the vitality and viability of Hoveton town centre, subject to highway matters being considered acceptable and subject to compliance with other relevant Core Strategy policies, the principle of retail development in this location would be considered acceptable.

### **Impact on the vitality and viability of Hoveton town centre**

The proposal involves the addition of 1,672sqm of additional floorspace comprising additional retail sales area and café/restaurant floorspace.

A key fundamental planning principle is to ensure that shops and services are provided in the right locations accessible by a range of transport modes. The site is located within the Primary Shopping Area of Hoveton and therefore represents the most sequentially suitable site for

retail development accessible by a range of transport modes including walking, cycling, bus, rail and private car.

The submission of the planning application would imply that the site is available, suitable and viable for retail purposes. In circumstances where a site is located within a primary shopping area, there is no need for an applicant to submit a retail impact assessment.

The National Planning Policy Framework (NPPF) paragraph 23 sets out that local planning authorities should '*...promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres...*'. This application provides an opportunity to consolidate and strengthen the retail offer in Hoveton and prevent leakage to higher order settlements. A stronger retail offer will provide greater opportunities for linked trips which will help support the vitality and viability of Hoveton in accordance with the aims of Core Strategy Policy EC 5.

### **Highway and Parking Impacts**

#### Transport Impact

Core Strategy Policy CT 5 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 and that development proposals will be considered against the relevant criteria of that policy:

- the proposal provides for safe and convenient access on foot, cycle, public and private transport addressing the needs of all, including those with a disability;
- the proposal is capable of being served by safe access to the highway network without detriment to the amenity or character of the locality;
- the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety; and
- if the proposal would have significant transport implications, it is accompanied by a transport assessment, the coverage and detail of which reflects the scale of development and the extent of the transport implications, and also, for non-residential schemes, a travel plan.

Consideration is also given to adopted Broads Authority Policy HOV4 which states that particular care will be taken to ensure that developments do not significantly exacerbate traffic congestion.

Paragraph 32 of the NPPF, states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are 'severe'.

It is noted that whilst the Highway Authority do not fully agree with the figures in the applicant's submitted Transport Study (1% increase in traffic movements), the methodology employed is broadly considered acceptable to the Highway Authority in that the net increase in vehicular movements will be minimal and will not result in a severe transport impact or congestion in the area ensuring that the development is in accordance with Core Strategy Policy CT5. On the basis that the development will not have significant transport implications, a Travel Plan is not necessary on this occasion.

#### Highway Safety

The Highway Authority have confirmed that whilst providing an access to the new parking area (former Broads Hotel site) from Station Road is not ideal, they do not object to this element subject to a condition requiring further details of access so as to deter motorists exiting the site onto Station Road.

The pedestrian experience along the eastern side of Station Road is currently limited with the frontage to the former Broads Hotel site having no formal footway. Therefore, the applicant's willingness to create a section of footway to the western boundary of the additional car parking area is considered to be an enhancement which will improve the pedestrian experience along this stretch of Station Road. This would be achieved by entering into an agreement with the County Council to provide the off-site highways works, which can be secured by a condition of any approval.

It is understood that the primary concern of the Highway Authority relates to the effect of the routing / manoeuvres of the resulting HGV (inc articulated) movements associated with the development on the already congested road junction (Norwich Road / Station Road and Church Road). The Highway Authority consider that concerns about delivery traffic amount to a severe impact on highway safety i.e. increased congestion and conflict with other road users (vehicles and pedestrians).

In an attempt to resolve the concerns of the Highway Authority, a meeting was held on site on 07 February 2018 between the planning officer, Highway Authority and the applicant's agent. During the meeting, the following matters were discussed / clarified:

- It would not be necessary for delivery vehicles to approach the service yard via the complicated junction on the main road (Norwich Road) via Church Road i.e. delivery vehicles could either approach from the west (Norwich Road) or from the north (Station Road).
- The Highway Authority were of the view that it would not be possible to control the routing of delivery vehicles due to there being a large number of carriers.
- It was not clear that the considerably smaller service yard could ensure that vehicles would exit the yard in a forwards gear and would not conflict with other operations including off-loading the goods into the store and the storage / processing of any waste or recycling.
- It was also concluded that the process of transferring waste / recycling from the store via trolleys on the public footway (185 metres) to the main yard on Church Road was not a viable solution. Indeed, it could also exacerbate the already congested public footways to the detriment of highway safety.

A supplementary document 'Deliveries, Servicing and Waste Management' was received on 12 February 2018 to clarify expected service yard operations and waste and recycling provisions reflecting the discussions held on site.

Officers acknowledge that the concerns of the Highway Authority would indicate that the development does not satisfactorily address all of the criteria of Core Strategy Policy CT5. However, officers are of the view that in evaluating the Highway Authority's objection and also taking account of the latest supporting documentation from the applicant, officers are of the view that:

- the HGVs already serve the existing department store by approaching the service yard from the south west and Station Road and that due to the layout of the junction would be unlikely to approach it from Church Road
- The increased number of HGVs over an 8 week period as a result of the proposed development is quite low i.e. 1 percent above the existing 3 HGV deliveries during that period
- It is acknowledged that the service yard is much smaller than the existing yard, potentially leading to a more complicated access / egress arrangement which could result in conflict with vehicles / pedestrians on Station Road. However, it is

considered that the tracking diagrams provided demonstrate that HGV's approaching the site from either the north or south can exit the site in a forward gear without a severe impact on highway safety.

- The smaller service yard in conjunction with an altered internal delivery/servicing bay area is considered adequate to enable safe / efficient operation of that area without significant adverse impact on highway safety.

In view of the above, officers have reservations that the position of the Highway Authority to consider the proposal to have a severe highway impact may be very difficult to justify at appeal. Although, further comments from the Highway Authority in relation to the recent submission from the applicant have been sought and will be conveyed to the Development Committee verbally once available.

Notwithstanding this, the proposal and latest supporting document has to be weighed in the context of retail servicing in urban locations.

Officers consider that a robust Delivery Management Plan would also help further manage the impact of the development and this could come in the form of a planning condition to secure:

- Confirmation of the numbers of delivery vehicles travelling to the site in a given month;
- The timing of HGV deliveries in a given day;
- A routing plan for all HGV and goods vehicles approaching and leaving the service yard;
- The method by which the applicant conveys the requirements of the delivery management plan to delivery drivers;
- A pedestrian safety plan to ensure the safety of pedestrians at the time of HGV deliveries entering and leaving the service yard;
- The method and frequency of monitoring compliance;
- Arrangements to monitor, review and amend the Delivery Management Plan to ensure it remains fit for purpose.

#### *Parking Provision*

The extension of the department store would result in an overall gross floor area of 5,331 sqm and according to Core Strategy Policy CT6, this type of retail A1 retail use requires the following:

- 1 car parking space per 20sqm
- 1 cycle parking space (visitors) per 200 sqm and 1 cycle parking space (staff) per 100 sqm

In view of the above, a building of 5,331 sqm would require 267 car park spaces. The extended and re-configured car park would provide a total of 302, therefore exceeding the parking standard by 35 spaces.

Whilst the parking standards in the proposal is exceeded, the existing operation also exceeded the parking standards and due to other visitors benefiting from the free parking when visiting other shops / service in Hoveton, exceedance of the parking standard is considered acceptable in this occasion.

In respect of cycle parking provision, the applicant has confirmed that the existing department store (3,659 sqm) provides 18 cycle parking spaces (10 adjacent to the Barclays bank and 8 adjacent to the car park on Stalham Road). On the basis of Core Strategy Policy CT6, the provision is deficient by 36 cycle parking spaces.

The development proposes that the existing cycle parking provision is retained and proposes 8 additional spaces adjacent to the parent / child parking area. This equates to a total parking provision for the larger department store (5,331 sqm) of 26 spaces, a deficit of 54 spaces.

In view of the store being in an accessible location and given the comments raised in relation to the need for more cycle parking locally from both the Broads Authority and Hoveton Parish Council such a deficit in cycle parking provision is not considered to be acceptable, especially as the wider site does have the capacity for additional provision. It is therefore necessary to impose a condition requiring at least 25 Sheffield cycle stands (or equivalent) to be provided on the site helping to promote sustainable alternatives to the car.

In summary, whilst the Highway Authority have raised a 'severe' objection in relation to deliveries associated with the retail extension and require further information to clarify how these concerns can be addressed, on balance, notwithstanding any additional improvements that may or may not be offered by the applicant to address the concerns of the Highway Authority, officers consider that refusal on the grounds of highway safety may not be strong enough to defend. This is a town centre location and delivery traffic is a daily issue affecting all towns. Officers consider these issues can be satisfactorily addressed through planning conditions which would go some way to addressing the 'severe' objection raised by the Highway Authority so as to enable the proposal to comply with the broad aims of Core Strategy Policy CT 5.

### **Design**

The key policies that are relevant to these issues are Core Strategy Policies EN 2 and EN 4. Consideration is also given to adopted Broads Authority Policies HOV1, HOV4, DP4 and DP5.

Whilst the extension is located to the rear of the existing building, it still commands a prominent position in the street scene along Station Road and the open public / private realm (car park / Neweys Way). The scale and design of the extension is considered to be appropriate, being sympathetic to the appearance of the existing building and the character of the area. It would be considered appropriate impose a planning condition to ensure external materials used are sympathetic to the existing building and the wider public / private realm.

In terms of layout, the proposed service yard is considerably smaller than the existing yard. Whilst a solution is considered feasible, officers are still awaiting further clarification and/or revisions and any update on this position will be reported to members at Development Committee.

Overall, the design and layout of the proposal is considered to be acceptable in design terms and would, subject to the imposition of appropriate conditions, accord with Development Plan Policy.

### **Landscape and Ecology**

The key policies that are relevant to these issues are Core Strategy Policies EN 1, EN 2, EN 9 and EN 13. Consideration is also given to adopted Broads Authority Policies HOV1, HOV4, DP1 and DP3.

In landscaping terms it is perhaps less than ideal that the former Broads Hotel site is to be converted to form a car park, in an area which is already dominated by a considerable amount of car parking. Similarly, the site frontage with Station Road will also be dominated by a

reconfigured service yard. Whilst this area would benefit from the site being used for more compatible uses to contribute to the vibrancy / appearance of this section of Hoveton, the use of area as a car park does not sterilise the site from being used for alternative development proposals in the future.

In respect of the visual impact on the Station Road streetscene, whilst additional soft landscaping within the site and along the Station Road frontage is feasible, the response of the Landscape Officer indicates that a comprehensive landscape plan and replacement tree planting is needed to ensure that the visual impact of the larger car park and position of the service yard is properly mitigated, which can be secured by a planning condition.

The submission of an ecology appraisal has allowed confirmation by the Council's Landscape Officer that the development of the currently overgrown former Broads Hotel site would not have an adverse impact on wildlife, subject to the development being carried out in accordance with the recommendations within the ecology appraisal, which will be secured by planning condition.

### **Flooding, Contamination and Air Quality**

The key policies relevant to these issues are Core Strategy Policies EN 10 and EN 13 and adopted Broads Authority Policies HOV1, HOV4, DP1 and DP3.

The development is essentially located in Flood Zone 1. However, as there is evidence of surface water flooding around the site, consideration is needed to determine whether the development would exacerbate existing flooding problems in the area.

In view of the above, it was requested that the applicant commission the services of drainage specialists to demonstrate that the development is in accordance with the Standing Advice of the Lead Local Flood Authority.

The conclusions of the study were that a suitable detailed surface water drainage scheme is feasible to ensure that existing flooding or surface water problems are not exacerbated or sensitive habitats (Site of Special Scientific Interest and Special Area of Conservation) are not compromised. It is therefore recommended that a suitable surface water drainage scheme be secured by condition.

In respect of air quality, the Council's Environmental Protection team have confirmed that it is unlikely that the development of this scale would have a significant detrimental impact on existing air quality.

### **Summary**

The application proposes an A1 (retail) use within the defined primary shopping area of Hoveton. The proposal accords with appropriate retail policies and it is considered that the proposal would contribute positively to the vitality and viability of Hoveton town centre and will help to provide a stronger retail offer.

Whilst the Highway Authority have raised concerns about the impact of delivery vehicles and suggest that the impact of such traffic would be 'severe', officers consider that these issues can be made acceptable through use of appropriate planning conditions to control delivery traffic.

In any event, notwithstanding the concerns raised by the Highway Authority, officers consider that the public benefits of the proposal including the positive contribution the proposal would make to the vitality and viability of Hoveton town centre are material planning considerations that would attract considerable weight in favour of the proposal sufficient to outweigh the highway concerns about the impacts of delivery traffic.

**RECOMMENDATION: Delegate Authority to the Head of Planning to Approve the proposal subject to the imposition of the following conditions (summarised):**

- 1. Time Limit**
- 2. In accordance with approved plans**
- 3. Details of external facing materials**
- 4. Prior to operation, submission of a delivery management strategy**
- 5. In accordance with the approved AIA and AMS**
- 6. Details of replacement tree planting**
- 7. Submission of a comprehensive landscape plan**
- 8. Details of additional 50 no. visitor and staff cycle parking spaces**
- 9. Submission of a detailed surface water drainage scheme**
- 10. In accordance with the recommendations of the Ecology Appraisal**
- 11. Details of off-site highways works to create a new pedestrian footway**

**And any other conditions considered appropriate by the Head of Planning.**

- (2) **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 for Mr Donohue**

**Minor Development**

**- Target Date: 18 August 2017**

Case Officer: Mrs Sarah Ashurst

Full Planning Permission

**CONSTRAINTS**

A Road

Principal Routes

Countryside

Controlled Water Risk - Medium (Ground Water Pollution)

Listed Building Grade II - Consultation Area

Advertising Control

**RELEVANT PLANNING HISTORY**

PLA/19950087 PF

CANISTER HALL FARM BUILDINGS, SWAFFHAM ROAD, TOFTREES

CHANGE OF USE OF REDUNDANT FARM BUILDINGS TO FORM TWELVE

SELF-CONTAINED DWELLINGS FOR HOLIDAY ACCOMMODATION ALONG WITH

ANCILLARY ACCOMMODATION

Approved 27/04/1995



PLA/20090240 PF  
10 CANNISTER HALL BARNS, SWAFFHAM ROAD, TOFTREES  
CONVERSION OF BARN TO ONE UNIT OF HOLIDAY ACCOMMODATION  
Approved 14/05/2009

PLA/19961547 PF  
CANISTER HALL BARNS, SWAFFHAM ROAD, TOFTREES  
AMEND LANDSCAPING CONDITION (NUMBER 3) ON PLANNING PERMISSION  
REFERENCE 950087 TO EXCLUDE LAND NOW IN SEPARATE OWNERSHIP  
Approved 22/01/1997

PLA/19931398 PF  
CANISTER HALL, SWAFFHAM ROAD, TOFTREES  
CHANGE USE OF FARM BLDGS. TO 12 HOLIDAY DWELLINGS + ANCILLARY  
ACCOMMODATION & REINSTATE CANISTER HALL AS MANAGEMENT & STAFF  
RESIDENTIAL ACCOM.  
Approved 25/03/1994

PLA/20010509 PF  
CANNISTER HALL BARNS, TOFTREES  
VARIATION OF CONDITION 5 OF PLANNING PERMISSION REFERENCE 950087 PF TO  
PERMIT PERMANENT OCCUPATION OF UNITS 10 (PART), 11 AND 12 AS MANAGER'S  
ACCOMMODATION  
Refused 09/07/2001 AALL 14/06/2002

#### THE APPLICATION

Planning Permission is sought for an equestrian business which includes the formation of a riding arena with flood lighting and the erection of a new building to provide stabling, tack room and reception area at Canister Hall Barns, Swaffham Road in Toftrees.

The riding arena will measure approximately 60 metres in length by 20 metres in width with a total of 8 columns for lighting at 6 metres in height. The arena will be enclosed by a timber post and rail fence at 1.2 metres in height.

The stable building would measure 22.5 metres in length x 14 metres in width. Initially the building was proposed to be a maximum height of 6 metres but following amendments this has been reduced to 5 metres to the ridge. The proposed building will be constructed with Vertical Yorkshire board cladding above concrete panel walling to the north, south and west elevations, and limestone coloured blockwork to the east elevation. The roof will be constructed from a cement fibre corrugated profile roofing with matching translucent sheeting.

#### REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr Palmer having regard to benefits to the rural economy.

#### PARISH/TOWN COUNCIL

Dunton Parish Council: No response received.

#### REPRESENTATIONS

26 copies of the same letter of support have been received citing the following material planning considerations:

- This will be a much needed facility, offering professional training and a properly designed facility;
- Whilst the Councils desire to protect our heritage is noted, the building will be built sympathetically and maintained to the highest standard.

In addition a further 6 letters of support have been received:

- To have a [horse] trainer in the area would be of great advantage and offer a much needed facility;
- The building is well designed and will blend into the surroundings without compromising the visual amenity;
- The facility will be one of a handful of centres offering a unique training facility which will draw riders from the local area and further afield;
- I have been riding with Mrs Donohue for 5 years, and there are no other facilities like this which offer this training method;
- New jobs will be created;
- There would be educational benefits for those wanting to get into a career in horsemanship;
- There will be no impact on privacy for neighbouring properties.

## CONSULTATIONS

County Council (Highway): No objections subject to conditions regarding on-site parking and turning provision and external lighting.

### Conservation and Design Officer: Comments on the originally submitted scheme:

Object: The site lies adjacent to the curtilage of the Grade II Listed Canister Hall. The land in question is situated approximately 170m north-west of the Hall and approximately 80m from Canister Hall Barns which are ancillary listed by virtue of being in the curtilage of the Hall. This range of traditional brick, flint and pantile outbuildings make a significant contribution to the setting of the Hall and the wider landscape context. No objection in principle to the erection of a new outbuilding in this location, its siting and enclosure would potentially create a grouping with the existing range of outbuildings. However, the scale, form, footprint and massing of the proposed building barn raises a number of concerns:

- The heavy/bulky appearance and massing of the barn is at odds visually within the established architectural context.
- The finishing treatments and cladding compound the sense of scale and lack of relationship to the nearby ancillary listed building.
- The 'boxy' form and footprint offers little articulation or elevational relief and is considered to be poor design.
- General lack of detailing or refinement to the proposals.
- Poor relationship to landscape context and wider viewpoints.

As a result, the cumulative impact of the above points means the proposal would harm the setting of the Grade II listed Canister Hall and the existing outbuildings which are ancillary listed buildings. The level of harm to the listed buildings is 'less than substantial' but there is no justification of public benefits to outweigh the harm caused. Object to the proposal in line with para 132 and 134 of the NPPF.

### Conservation and Design Officer following receipt of revised plans received 7<sup>th</sup> January 2018:

Objection: The amendments focus on reducing the overall height of the building. This reduction in height has been achieved by reducing the eaves height and reducing the roof pitch. From a design perspective these changes have achieved little in terms of mitigating the impact of the development on the setting or helping it to knit into the prevailing architectural or landscape context.

In reality, the reduction in height has compounded the squat and heavy form of the development. The overall footprint remains unchanged and the development still offers little in

terms of articulation, elevational relief or depth. The finishing materials fail to address the prevailing characteristics of the site, the unspoilt landscape context and the traditional architectural setting.

The proposed building fails to offer any tangible relationship to the adjacent group of curtilage listed barns, and will continue to impose itself on the wider landscape and neighbouring heritage assets.

The design results in 'less than substantial harm' to the setting of the designated heritage asset (the curtilage listed barns and principal Grade II listed Cannister Hall). A planning judgement must therefore be exercised as to the public benefits of the scheme.

In conclusion, by virtue of the squat form, heavy massing and incongruous finishing treatments, the proposal represents a form which pays no regard to its historic setting, architectural context and prevailing landscape character. The proposal therefore fails to comply with policies EN4 and EN8 of the Core Strategy and Section 66(1) of the Planning (listed Buildings and Conservation Areas) Act 1990 and paragraphs 132 and 134 of the NPF.

Environmental Health: No objections subject to conditions.

Landscape Officer: No objection subject to 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.

#### NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 14 - Presumption in favour of sustainable development.

Paragraph 28 - Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should (inter alia):

- promote the development and diversification of agricultural and other land-based rural businesses.

Paragraph 132 - 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 - 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.

## POLICIES

North Norfolk Core Strategy (Adopted September 2008):

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

Policy SS2: Development in the Countryside (*prevents general development in the countryside with specific exceptions*).

Policy SS 5: Economy (*strategic approach to economic issues*).

Policy EN 2: Protection and enhancement of landscape and settlement character (*specifies criteria that proposals should have regard to, including the Landscape Character Assessment*).

Policy EN 4: Design (*specifies criteria that proposals should have regard to, including the North Norfolk Design Guide and sustainable construction*).

Policy EN 8: Protecting and enhancing the historic environment (*prevents insensitive development and specifies requirements relating to designated assets and other valuable buildings*).

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

Policy CT 6: Parking provision (*requires compliance with the Council's car parking standards other than in exceptional circumstances*).

Policy EN 13: Pollution and hazard prevention and minimisation (*minimises pollution and provides guidance on contaminated land and Major Hazard Zones*).

## MAIN ISSUES FOR CONSIDERATION

1. Background
2. Principle of Development
3. Design and Impact upon Heritage Assets
4. Economy
5. Landscape Impact
6. Pollution
7. Amenity
8. Highways
9. Conclusion

## APPRAISAL

### 1. Background

Members will recall that the application was first presented to them back in August 2017 where the application was deferred to seek amendments to the design to achieve a better relationship with the surrounding heritage assets and landscape setting.

Despite suggestions to the applicant about changes which could be made to the scheme, namely, a reduction in height, scale, massing and materials, it was only in January 2018 that a revised scheme was submitted. The revised scheme has reduced the height of the proposed building by 1 metre, and amended the roof pitch from 15 degrees to 12.5 degrees. No amendments have been made to the footprint and overall scale and mass of the building, nor to the finishing materials.

It is this revised scheme that Members are asked to determine at the Development Committee meeting.

### 2. Principle of Development

The application site is located within the Countryside Policy Area where development is limited to that which requires a rural location as specified under Policy SS2 of the adopted Core Strategy.

Policies SS1 and SS5 also seek to support the rural economy through different types of development. In addition, paragraph 28 of the National Planning Policy Framework (NPPF) promotes development of agricultural and other land based rural businesses.

It is considered that the equestrian business proposal is rural development and is acceptable in this countryside location in accordance with Policies SS1, SS2 and SS5 of the adopted Core Strategy, and Paragraph 28 of the NPPF.

Whilst the principle of such a use may be acceptable, the proposed development also needs to comply with other relevant policies within the adopted North Norfolk Core Strategy, as considered in the remainder of this report.

### 3. Design and Impact upon Heritage Assets

The Development Committee is required by Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a Listed Building and its setting, or any features of special architectural or historic interest which it possesses. The desirability of preserving the setting of listed buildings is not a mere material consideration to which any weight can be attached, it is a legal obligation. When a local authority finds that a proposed development would harm the setting of a listed building, it must give that harm considerable importance and weight. There is effectively a statutory presumption against planning permission being granted. 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'***.

Considerable weight must therefore be given to the preservation of heritage assets including their setting. Adopted Core Strategy Policy EN 8 reflects those duties and Chapter 12 of the NPPF sets out the Governments national policies on the conservation of the historic environment.

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

The application site is situated approximately 170m north-west of Canister Hall (Grade II listed) and approximately 80m from Canister Hall Barns. Canister Hall Barns are a range of traditional brick, flint and pantile outbuildings which are ancillary listed, by virtue of being

situated within the curtilage of the listed Hall at the time of the listing. The barns make a significant and positive contribution to the setting of Canister Hall and the wider landscape context.

The Council's Conservation and Design Officer has assessed the application and considers that the proposed building, even after revisions have been made, by virtue of the detrimental visual impact as a result of the large scale and form, the size of the footprint and massing will harm the setting of Canister Hall and Canister Hall Barns. Furthermore, the industrial appearance of the proposed stable building would result in a building which sits at odds with the established architectural and open landscape context. This harm would be 'less than substantial' but harm none the less and should be considered in accordance with Paragraph 134 of the NPPF.

Whilst the applicant disputes that Canister Hall Barns are ancillary listed buildings to Canister Hall, the Council has considered and applied the tests as identified in the Historic England Advice Note (consultation draft – 27 January 2017) and are of the opinion that the Canister Hall Barns satisfy the following tests;

- **Does the structure pre-date 1948?** Yes, the structures pre-date 1<sup>st</sup> July 1948.
- **Is it geographically or physical related?** Yes, the barns are considered to closely relate to the principal listed building.
- **Was it in the same ownership at the time of listing?** It must have been in the same ownership as the principal listed building at the time of listing (for buildings listed on or after the 1 January 1969), or at the 1 January 1969 (for buildings listed before this date). Yes, based on the information that is available, the barns would appear to be in the same ownership at the time of listing in 1984. Given that the conversion works did not take place till the 1990's, the Local Planning Authority can assume the barns were all in the same ownership in 1984.
- **Did it serve an ancillary or supporting function** to the main listed building at the time of listing (for buildings listed on or after the 1 January 1969), or at the 1 January 1969 (for buildings listed before this date). Yes, the barns would appear to have served an ancillary function to the Hall at the time of listing.

There is no objection to the principle of a new building in this location but the design proposed is not considered to be acceptable. A more appropriate design for a stable building could be achieved which respects the rural, architectural and landscape setting of the immediate context. It is not considered the relatively minor amendments made to the scheme sufficiently address the harm.

Taking the above view of consultees into consideration, it is considered that the proposed building, taking into consideration the amendments made, would still result in harm to the setting of the listed building and the curtilage listed barns, contrary to adopted Core Strategy Policy EN 8 and S66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### 4. Economy

The application form submitted with the application states that the proposed business would create 1 part time job, although further discussion with the applicant has revealed that 2 jobs would be created. Supporting information contained within the application further states that the riding area would be keen to employ an apprentice in equestrian and hospitality and offer a traineeship placement for Eastern College delegates and that the proposed equestrian business would offer a unique equestrian facility in the region which would contribute to the local economy. Albeit a small enterprise, the creation of rural employment would make a minor but positive contribution to the local economy. However, this has to be balanced against the harm caused to the heritage asset. Whilst it is considered that the proposal

complies with Policy SS5 of the adopted Core Strategy, officers consider that the provision of 2 jobs does not outweigh the harm identified to the heritage assets and the presumption in favour of a refusal of the application still remains.

#### 5. Landscape Impact

In terms of landscape and visual impacts, the site is located within a field to the west of Canister Hall Barns. The applicant states that the land in which the equestrian operation is proposed has been used by horses since 2012.

There are three elements to the proposed development, the construction of the arena, the installation of flood lighting to the arena and the erection of a stable building. The flood lighting will be discussed under section 5 of this report.

In respect to the riding arena, this is screened from the north-west by an approximate 2.4 - 3 metre hawthorn hedge. Given its location, it is considered that the proposed arena would have a negligible impact on the wider landscape.

The site contains mature trees and hedgerows on and adjacent to the site. These trees and hedgerow are considered to have amenity value and are important to the landscape of the area. The applicant has provided a plan detailing the proposed trees for removal and hedgerows for retention as part of the proposed scheme. The Development Committee will note that the Landscape Officer considers that the trees proposed for removal are young and that any replacement trees will mitigate their loss. Any approval granted would require a condition securing the submission of a hard and soft landscaping scheme detailing new trees and hedges and existing hedgerows to be retained.

However, notwithstanding the lack of objection from the Landscape Officer, the proposed stable building given its position, height, scale and materials, will introduce an industrial feature into the landscape which would detract from the landscape character especially when viewed approaching the site from the south west.

It is therefore considered that the proposal does not comply with Policies EN2 and EN4 of the adopted Core Strategy.

#### 6. Pollution (Odour, Water, Waste, Light)

The site is located approximately 80 metres from Canister Hall Barns and approximately 170 metres north west of Canister Hall.

In respect to the proposed lighting, officers raised concern with regards to the proposed height of the lighting (6 metres) combined with the angle of the light and resulting light pollution into this rural countryside location. Whilst the applicant intends to only use the lights at darker times of the year between 16:00 and 20.00, Policy EN13 requires all proposals to minimise light pollution arising from new development especially in areas that are free from street lights and other lighting installations. Environmental Protection were consulted on the application and raise no objection to the proposed lighting scheme subject to the lighting being installed at an angle not capable of causing artificial light nuisance to nearby properties. It is not considered that sufficient information has been submitted to assess the impact of light pollution on this rural countryside location and understand any potential impact upon nearby residential properties. If members are minded to approve the application, it is recommended to require the applicant to submit a Lighting Design Strategy to allow the Local Planning Authority to assess the impact of the light spill on the surrounding landscape and residential properties.

In respect to the disposal of manure, Environmental Protection has advised that manure storage and the disposal of manure must be considered prior to the commencement of

operation of the business to address issues surrounding odour and flies. This could be addressed by the imposition of appropriate conditions.

The applicant has submitted as Foul Drainage Assessment Form as they are not proposing to connect to the mains sewer for foul water disposal. Environmental Protection has reviewed the application proposal and raise no objection to the use of non mains drainage.

Subject to the imposition of appropriate conditions, the proposed development is considered to comply with Policy EN13 of the adopted North Norfolk Core Strategy.

#### 7. Amenity

Given the distance from nearby residential properties, is not considered that the proposed business operation or stable building and arena would give rise to unacceptable impacts. Concerns regarding light pollution have been considered within section 5 of the report. It is therefore considered that the proposal complies with Policy EN 4 of the adopted Core Strategy.

#### 8. Highways

The Highways Authority considers that the site contains adequate parking facilities on site and that the access onto the A1065 provides acceptable level of visibility to cater for the proposed use. It is therefore considered that the proposal complies with Policies CT 5 and C T 6 of the adopted Core Strategy.

#### 9. Conclusion

Careful consideration has been given to this application in reaching a recommendation. Whilst the principle of the use and proposed building is considered to be policy compliant, any proposed development needs to comply with other relevant policies within the adopted North Norfolk Core Strategy and all legislative duties.

Officers consider that the proposal generally accords with the Development Plan in relation to impacts on residential amenity, highway safety, parking provision, pollution and the economy such that refusal in relation to these matters alone could not be substantiated or justified.

In relation to the landscape impact, it is considered that the proposed stable building, given its position, height, scale and materials would introduce an industrial feature which would detract from the landscape character of the wider area.

Impact upon listed building and its curtilage buildings needs to be considered in accordance with the Council's statutory duty under Section 66 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990. This is not a simple balancing exercise, but a question of whether there is justification for overriding the presumption in favour of a refusal where harm is found to a heritage asset. The Development Committee will have to consider whether it accepts that there is harm to the heritage asset and whether the presumption against planning permission which arises as a result of any harm is outweighed by the public benefits of the proposal. Officer advice is that, in relation to the harm that the proposal will cause to the setting of Canister Hall (Grade II) and its ancillary listed buildings (Canister Hall Barns) there would need to be compelling public benefits in favour of the proposal to outweigh the presumption and these are lacking.

Whilst the opportunity to create employment is noted, it is considered that the cumulative harmful impacts on heritage assets and the wider landscape are not outweighed by the limited public benefits. As such it is considered that the proposal does not accord with Core Strategy Policies EN 2, EN4 and EN8 of the Core Strategy, paragraphs 132 and 134 of the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.



## **RECOMMENDATION: Refusal**

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 EN 2 - Protection and enhancement of landscape and settlement character**

**Policy EN 4 - Design**

**Policy EN 8 - Protecting and enhancing the historic environment**

The National Planning Policy Framework (the NPPF) (published 27 March 2012) is also material to the determination of the application.

The proposed building to provide stabling would result in harm to the setting of heritage assets which include Canister Hall (Grade II listed) and Canister Hall Barns (ancillary listed buildings to Canister Hall). Whilst this harm is 'less than substantial' in terms of the National Planning Policy Framework, it is still significant and it is not considered that there are sufficient public benefits or material considerations that outweigh the harm identified. The proposal is therefore considered contrary to North Norfolk Core Strategy Policy EN 8 and the aims and objectives of the National Planning Policy Framework, in particular paragraphs 132 and 134, and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Furthermore, the proposed stable building would incur harm to the wider landscape including heritage assets within the landscape and their setting that are intrinsic to those landscapes. These impacts are considered to be contrary to Policy EN 2 and EN 4 of the North Norfolk adopted Core Strategy.

- (3) **PASTON - PF/17/0630** - Contractor's site compound including the siting of container style temporary buildings for use as offices, storage and staff facilities; car parking area, lighting towers, areas for materials storage and storage tanks. Perimeter fencing; J Murphy & Sons Site Office, Paston Road, Bacton, Norfolk, NR12 0JN for J Murphy and Sons Ltd

### **Minor Development**

**- Target Date: 15 August 2017**

Case Officer: Mr C Reuben

Full Planning Permission

### **CONSTRAINTS**

C Road

MOD Safeguarding

Mineral Safeguard Area

National Air Traffic Service - Application for Wind Turbines

Surface Water Flooding More

Controlled Water Risk - Medium (Ground Water Pollution)

LDF - Countryside

Advertising Control

Gas Pipe Buffer Zone

Hedge Retention Notice

DE21 - Pre-Application Enquiry

LDF - Bacton Gas Terminal Buffer

Major Hazard Outer Zone

Undeveloped Coast  
Height Restriction (MOD)  
Major Hazard Zone  
Major Hazard Inner Zone  
Major Hazard Middle Zone

#### RELEVANT PLANNING HISTORY

PLA/19950400 PF  
SITE AT CHURCH ROAD, BACTON  
CONSTRUCTION OF NATURAL GAS COMPRESSION FACILITY WITH ASSOCIATED  
PLANT & BUILDINGS, NEW ACCESS AND ROAD IMPROVEMENTS  
Withdrawn 22/03/1996 WD 25/03/1996

PLA/19951606 PF  
SITE AT CHURCH ROAD, BACTON  
CONSTRUCTION OF NATURAL GAS COMPRESSION FACILITY WITH ASSOCIATED  
PLANT & BUILDINGS, NEW ACCESS AND ROAD IMPROVEMENTS  
Withdrawn 21/03/1996

PLA/19961636 PF  
SOUTH OF BRITISH GAS TERMINAL, CHURCH ROAD, BACTON  
TEMPORARY SITE ESTABLISHMENT AREA TO ACCOMMODATE OFFICES AND  
MESSING FACILITIES DURING CONSTRUCTION OF GAS COMPRESSION FACILITY  
Temporary Approval 31/01/1997

PLA/19980745 PF  
SITES AT INTERCONNECTOR TERMINAL & CHURCH ROAD, BACTON  
LOCAL NATURAL GAS PIPELINE BETWEEN SHELL/ESSO TERMINAL AND  
INTERCONNECTOR TERMINAL  
Approved 24/07/1998

#### THE APPLICATION

The application proposes the siting of a site contractor's compound in association with the National Grid Terminal on the southern side of Bacton Road (B1159), which itself forms part of the larger Bacton Gas Terminal. The application includes the provision of modular container-style buildings for office use, storage and staff facilities, a car parking area, external storage area for materials, storage tanks, lighting, perimeter fencing and earth bund. The compound is required for a programme of asset management and maintenance to be carried out by Murphy Group and is required initially for a four year period, employing at present between 10-20 employees who are accommodated in nearby establishments.

The site lies adjacent to the southern boundary of the National Grid terminal, separated by Church Road running from northwest to southeast, emerging onto the B1159 to the northwest and linking with Rectory Road to the southeast. At present, the site is used as agricultural land, though works have started in preparation for the required compound.

The front half of the proposed site has previously benefitted from a similar planning consent granted in 1996 under permission reference PF/96/1636, although the compound then adopted a more linear arrangement along Church Road. It was given a three year temporary consent, following which it was entirely removed.

## REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr B Smith due to the encroachment into open Countryside and highway impact.

## PARISH COUNCIL

Bacton Parish Council - No objection.

Paston Parish Council - No formal response received, however Cllr B Smith emailed the case officer to state that he attended the Parish Council meeting where it was queried whether financial compensation could be sought as a result of increased disturbance as a result of additional vehicular traffic passing through the village. In response, it was suggested to Cllr B Smith that this would be very hard to obtain, given the need to evidence the source of such disturbance.

## REPRESENTATIONS

To date, six letters of objection have been received (two additional from the same objectors following re-advertisement) raising the following summarised concerns:

- Concern that the facility will be permanent and not temporary. Will set a precedent for future development in this location
- Lighting towers will increase light pollution
- Work is already underway
- Will turn Bacton village into more of an industrial estate
- Paton Way is designated as a 'Quiet Lane'. Contractor's vehicles would be unacceptable on what is a small lane, increased traffic contravenes advice provided by CPRE.
- No consultation with local residents.
- Will create extra traffic on Church Road and Sandy Lane which are narrow with poor sight lines and minimal road construction. Will impact on safety.
- Why can't the development be housed within the curtilage of the gas plant and accessed from the B1159 or bus staff in?
- Increased traffic could have security implications for the plant. How will the workforce be vetted?
- Expansion beyond the site poses multiple threats to proper management of the countryside, heritage projects and precedent for future expansion.
- Lack of rationale as to why the facility is located here.
- Rubbish coming into the site littering adjacent farmland which could affect the natural drainage system.
- St Margaret's Church and Paston Great Barn are both important historic buildings in close proximity to the proposed works.
- Will result in increased noise and air pollution and disturbance to residents/wildlife.
- All construction traffic/HGVs should be required to enter/exit via the Bacton Road/B1159.
- Contractors previously ignored route restrictions.
- Questionable as to whether tree screening will be effective and will mask future development.

Following the receipt of amended plans/documents, the application has been re-advertised with the consultation period expiring on 16 February 2018. Members will be updated at committee as to any further representations received.

## CONSULTATIONS

Norfolk County Council (Highway - Broadland) - Objection. Concerns regarding the depicted storage area and possible HGV movements to and from the site. Given the inadequacies of the local highway network any increase in HGV flow will cause damage to both the carriageway and highway verge. Would require a Traffic Management Plan and wear and tear agreement to be agreed in advance to ensure any damage caused is addressed at the applicant's expense.

Even with a reduction in parking spaces, Hall Farm Road is a narrow sinuous single carriageway road with a number of blind bends and with no formal passing facilities. The route is also designated as a quiet lane, part of the national cycle route and part of the Paston Way, with a number of vulnerable road users on this route as a result. In addition, the junction with Bacton Road is restricted in visibility in a westerly direction.

Following the submission of a Revised Traffic Management Plan and details of mitigation measures (including the provision of three passing bays along Church Road to the west and directing traffic to and from the site via the western stretch of Church Road to the junction with the B1159 only (not allowing easterly traffic along Church Road to the junction with Rectory Road), the Highway Authority maintain their objection to the application although they do recognise the mitigation proposed. If approved, appropriate conditions will be required to secure mitigation, including an updated Site/Traffic Management Plan, improved site access, a Construction Traffic Management Plan, wheel cleaning facilities and passing places along Church Road.

National Grid (now Cadent Gas Ltd) - no objection.

Landscape Officer - concerns regarding the proposed facility on arable land south of the existing terminal. Proposal would extend the site further into the countryside eroding the local landscape character further. It is important to contain the site and limit future extensions. Alternative sites should be considered prior to granting permission for the current location. Concerned that the potential impact of the development upon Paston Great Barn SSSI was not initially assessed as part of the submitted Ecological Appraisal (since updated to include this assessment). Bats could be affected by the proposed development due to lighting, noise and disturbance to potential foraging routes. Would have expected a more thorough investigation and explanation to have taken place in this respect.

Environmental Health - no objection.

Conservation and Design Officer - the two settlements of Bacton and Edingthorpe are particularly distinguishable due to their landmark church towers which dominate the landscape. Both the Grade II\* Listed St Andrews Church at Bacton and Grade I Listed All Saints Church at Edingthorpe can clearly be seen on approach to the site and from within the site confines. There is an interrelationship between the existing open landscape context, the site and the two church towers. The compound will clearly change the character of this area, with concerns in relation to proposed lighting columns. The change in landscape will be detrimental to the setting of the heritage assets although this harm is of a relatively low level and less than substantial. There needs to be adequate justification/public benefit to outweigh this harm in order for the development to comply with the provisions of para 132 and 134 of the NPPF.

Natural England - proposed development could have significant effects on Paston Great Barn SSSI and SAC, Mundesley Cliffs SSSI and AONB. Required further information regarding timescale of the facility. Recommend that lighting is downcast to minimise impact. Advised that Norfolk Coast Partnership should be consulted and any decision should be based upon

considerations outlined in the NPPF along with local policies. Follow standing advice in regards of effect on protected species.

Following the provision of an Ecological Appraisal, Natural England had no further comments to make.

Norfolk Coast Partnership - concerned, although on the periphery of the AONB, will cause significant impact. A large new site which will add more visual pressure through new infrastructure and lighting. Could argue that it will add nothing much to a highly visible industrial site that by its nature will always involve fencing and structures that would be considered inappropriate elsewhere. However, some concern over development already taking place without consultation and lack of an audit trail to show that other locations have been considered/discounted. Would like to see an LVIA and alternative sites.

Historic England - no comments.

Health and Safety Executive (HSE) - no objection.

#### HUMAN RIGHTS IMPLICATIONS

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

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

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

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

#### CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

#### POLICIES

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

Policy SS2: Development in the Countryside (*prevents general development in the countryside with specific exceptions*).

Policy EN 1: Norfolk Coast Area of Outstanding Natural Beauty and The Broads (*prevents developments which would be significantly detrimental to the areas and their setting*).

Policy EN 2: Protection and enhancement of landscape and settlement character (*specifies criteria that proposals should have regard to, including the Landscape Character Assessment*).

Policy EN 4: Design (*specifies criteria that proposals should have regard to, including the North Norfolk Design Guide and sustainable construction*).

Policy EN 8: Protecting and enhancing the historic environment (*prevents insensitive development and specifies requirements relating to designated assets and other valuable buildings*).

Policy EN 9: Biodiversity and geology (*requires no adverse impact on designated nature conservation sites*).

Policy EN 13: Pollution and hazard prevention and minimisation (*minimises pollution and provides guidance on contaminated land and Major Hazard Zones*).

Policy EC 3: Extensions to existing businesses in the Countryside (*prevents extensions of inappropriate scale and that would be detrimental to the character of the area*).

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

Policy CT 6: Parking provision (*requires compliance with the Council's car parking standards other than in exceptional circumstances*).

## National Planning Policy Framework (NPPF):

Section 3 – Supporting a prosperous rural economy

Section 7 – Requiring good design

Section 11 – Conserving and enhancing the natural environment

Section 12 - Conserving and enhancing the historic environment

## MAIN ISSUES FOR CONSIDERATION

1. Principle of development
2. Design
3. Amenity
4. Highway impact
5. Landscape impact
6. Ecological impact
7. Heritage impact
8. Health and safety

## APPRAISAL

### 1. Principle of development (Policies SS 2 and EC 3):

The site in question lies within the designated Countryside Policy area of North Norfolk, as defined under Policy SS 2 of the adopted North Norfolk Core Strategy. Within this area, proposals to extend existing businesses are considered to be acceptable in principle, subject to compliance with the criteria set out in Policy EC 3 (Extensions to Existing Businesses in the Countryside) and other relevant Core Strategy policies.

Policy EC 3 states that development at the Bacton Gas Terminal that is ancillary to the terminal use will be supported within the defined area as shown on the Proposals Map. This area draws a line around the terminal facilities (north and south of the B1159) as existing. It is clear that the proposed development would be ancillary to the gas terminal use - the compound is required in order to carry out a programme of asset management which involves maintaining and upgrading National Grid facilities in order to maintain performance and safety for the next 30-40 years, and follows assessment carried out by the Health and Safety Executive (HSE). Importantly, Policy EC 3 does not rule out development outside of the defined technical area though it is expected that sufficient justification is provided as to the reasoning for any development proposes outside of this technical zone and why other parcels of land within the zone are not suitable/available, whilst further taking into account other policy considerations.

The applicant has provided a map indicating three other parcels of land that have been considered and subsequently discounted, which are as follows:

- Land to the west of the southern terminal (Area 1) - discounted due to unreasonably high rental costs;
- Land to the east of the northern terminal (Area 2) - owned by Shell with no permission from Shell to use this land; and
- Land to the front western corner of the site (Area 3) - owned by Petrafac with no permission from Petrafac to use this land.

Other sections of agricultural land to the west and east of the terminal do not appear to have been considered but are likely to have a more immediate landscape impact when viewed from the B1159 (some lies directly within the AONB), with the proposed site being the next sequentially available site and positioned behind the southern terminal, though visible to users of Church Road. Furthermore, the current site, being owned by Norfolk County Council, and with substantial weight being placed upon the previous use of part of the site for a similar compound in 1996, represents the most logical option operationally, being sited close to the southern gated entrance to the southern terminal (accessed via an existing footbridge) subject of the intended programme of works.

A similar contractor's compound was granted temporary permission in 1996, although the site then followed a more linear form along Church Road. The current application proposes an elongated site projecting southward into the agricultural land - the reasoning for this arrangement has been provided by the applicant, as the site workers facilities need to be sited outside of the thermal blast radius of the southern terminal.

Having considered the above points, it is considered that the applicant has provided satisfactory evidence to demonstrate that other sites have been considered, and strategic reasoning behind the choice of site, further taking into account the site history. The principle of development is accepted, though subject to compliance with a number of other Policy considerations as below.

#### 2. Design (Policy EN 4):

The proposed compound is purposefully functional in appearance, with the buildings and required infrastructure being kept to a relatively low height. Although the design is not aesthetically appealing, its modular form reflects the temporary nature of the compound and should enable efficient removal when no longer required. Furthermore, the muted colour scheme and design choice should help to minimise any wider visual impact. It further ties in with the functional appearance of the existing terminal buildings/infrastructure to the north. Design-wise, the proposed development is considered to be compliant with Policy EN 4.

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

There are no residential properties within the immediate vicinity of the site and as such, the proposed development should not result in any significantly detrimental amenity impact on any residential properties the only impact being any distant views of the facility along with highway considerations as covered below. The proposed development is considered to comply with Policy EN 4.

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

The Highway Authority have maintained their objection to the application, specifically in regards to the substantial amount of parking being provided together with highlighting the inadequate single track, poorly aligned road, the poor visibility at the junction of Church Road and the B1159 to the northwest, concerns as to the potential for HGVs to use the site, and concerns regarding the potential damage to the carriageway as a result. In addition, they consider that the route is also part of the Paston Way and a national cycle route, as well as being designated as a 'quiet lane' (although this does not prevent vehicular traffic) - as such, there is the potential for other more vulnerable road users in this location (i.e. pedestrians and cyclists). As a minimum, in the event of approval, the Highway Authority would require the provision of a Transport Management Plan, Construction Traffic Management Plan with wear and tear agreement, access improvements and passing places along Church Road.

The applicant has provided an amended site plan which has significantly reduced the amount of on-site parking available from 79 spaces to 28 spaces.

A Traffic Management Plan has also been submitted identifying a number of measures which would help to reduce the highway impact of the development. These include:

- preventing traffic from using the eastern stretch of Church Road and Rectory Road when either accessing or egressing the site with signage to reinforce this - a similar arrangement was in place in 1996;
- a minibus to be provided for local collection and drop off of compound workers.
- Likely vehicular movements would be between the hours of 7:00 - 08:00 am and 17:00 - 18:00 pm.
- The provision of three passing places on the western stretch of Church Road within highway controlled land. Passing places were also a requirement under the 1996 permission, however it is unclear as to whether these were provided. The final position of the passing places can be agreed via condition though a site plan has been provided to indicatively show where these could be placed.

The mitigation offered goes some way to addressing these concerns - this is partly recognised by the Highway Authority although their objection still stands for the reasons outlined above, being contrary to Policy CT 5.

Having balanced the objections regarding highway impact against the need for the compound, and indeed the temporary nature of the proposed development, it is not considered that in this instance, the application can be refused on highway grounds, subject to the agreed mitigation (further details of which would be the subject of appropriate conditions) being carried out prior to the first occupation of the development.

#### 5. Landscape impact (Policies EN1, EN 2 and NPPF para 115):

The site forms part of a larger stretch of agricultural land with wide views to the east, west and south, although the site is located on a part of the land that sits slightly lower within the landscape. The site would only be highly visible when approaching from a northerly/easterly direction along Church Road and from a westerly direction. Given the slightly recessed landscape character of the site, longer views from the south and east would not be possible, nor from the B1159 to the north.

It is recognised that the application represents an encroachment into open countryside and lies just outside (approx. 150m away) of the Area of Outstanding Natural Beauty (AONB) to the west. Similarities are drawn to the application approved in 1996 although the site now proposed depicts a more elongated arrangement encroaching into the agricultural land as opposed to the previously approved linear form along Church Road. No landscape mitigation was required in 1996, however given the altered site layout, it is considered that a belt of tree planting to the west of the site would be beneficial in reducing some of the visual impact upon the surrounding countryside. This would have the further benefit of extending an ecological corridor, being positioned opposite an existing tree belt to the north of the site and west of the southern terminal. Further screening would be achieved by a landscape earth bund on the front and west of the site, and with an existing hedge running along the eastern boundary. Given the temporary nature of the compound, it is not considered that the application can be refused on landscape impact, subject to appropriate landscaping conditions requiring a landscaping scheme, including the planting of the required tree belt.

The Norfolk Coast Partnership requested the provision of a Landscape Visual Impact Assessment (LVIA), however, given the position of the site outside of the AONB, combined



with the relatively low building heights proposed, the temporary nature of the intended facility, the proximity to the existing terminal and noting the mitigation offered, it is not considered that the proposed development would have a significant impact upon the special qualities of the AONB or surrounding landscape. It is for these reasons that, in this instance, an LVIA was not considered necessary. Appropriate landscaping conditions requiring a landscaping scheme, including the planting of the required tree belt, would be required.

It is further acknowledged that the land in question is classified as Grade I agricultural land (indeed all agricultural land around the gas terminal is classified as such). However, given that part of the proposed site has previously been developed for this same purpose and given the temporary nature of the development (allowing the land to be restored to its former use in future), it is considered that the use of the land is acceptable.

Subject to the required mitigation, the proposed development is not considered to be in conflict with Policies EN 1 or EN 2, nor paragraph 115 of the NPPF.

#### 6. Ecology (Policy EN 9):

The site lies in relatively close proximity (just over 700m) to Paston Great Barn SSSI and SAC (known to host a maternity colony of bats) to the northwest and close to Mundesley Cliffs SSSI to the north. As a result, Natural England requested additional information in regards to the length of time the temporary facility would be in place and further assessment as to the effect of the development upon the Paston Great Barn SSSI/SAC. These comments were echoed by the Landscape Officer.

Accordingly, an Ecological Appraisal was submitted and Natural England advised of the temporary timescale required. Following receipt of these additional details, no further comments were made by Natural England, although the Landscape Officer has expressed frustration that a more thorough investigation and explanation by the applicant's ecologist appears to be lacking in respect of the potential impact of the compound upon bats in relation to Paston Great Barn. However, given the conclusion of the submitted revised report, and with no further objection raised by Natural England, it is not considered that, noting the position of the proposed compound next to the existing terminal and subject to control of external lighting, the proposed development would have a significantly adverse impact upon Protected Species and is therefore considered to be in accordance with Policy EN 9.

#### 7. Heritage impact (Policy EN 8 and NPPF paras 132 and 134):

Distant views of the Grade II\* listed St Andrews Church (Bacton) are gained from the west looking across the agricultural land in an easterly direction, and to Grade I Listed All Saints Church (Edingthorpe) from the east looking south-west across rising land. Views of both churches (more so Bacton Church) would be partially obscured by the development, however, it is considered that the impact from public viewpoints along Church Road would result in less than substantial harm (noting the removal of the previously proposed lighting columns). Given the harm identified, there is a conflict with Policy EN 8, however where such harm is identified, paragraphs 132 and 134 require sufficient justification for the proposed development and the identified harm to be balanced against any public benefits of the proposed development. In this particular case it is considered that the public benefits associated with the proposed development which include the ongoing maintenance and upgrading of the associated national grid terminal, which is part of a national energy supply facility, are sufficient to outweigh the less than substantial harm identified. In addition, weight is given to the temporary nature of the proposed compound. No comments were offered from Historic England. It is therefore considered that the proposed development would comply with the requirements of paragraphs 132 and 134 of the NPPF.

## 8. Health and safety (Policy EN 13):

As the proposed compound is required for the purposes of asset management and maintenance for the National Grid terminal, there are no concerns in regards to health and safety.

### Conclusion:

The site location for the proposed compound, although not ideal, represents the most sensible option noting the discounting of other parcels of land within and adjacent to the existing Gas Terminal and taking into account the previous temporary permission granted in 1996, whilst strategically preferable given the proximity of the site to the southern entrance of the terminal used by the contractor. Although a Highway objection has been maintained, it is considered that on balance, subject to suitable mitigation being put into place and placing weight upon the need for the compound and its temporary nature, it is acceptable. Any medium term landscape impact can be partly mitigated by the requirement of a landscaping scheme. The identified less than substantial harm to nearby heritage assets is considered to be outweighed by the public benefits of the proposed development. Further weight is again applied to the temporary nature of the compound which should prevent any longer term landscape and heritage impact. It is not considered that the granting of such a facility would set a precedent for future expansion into the countryside, given the temporary nature of the proposed development. As such, on balance, it is concluded that approval of the application would accord with currently adopted Planning Policy and the National Planning Policy Framework (NPPF).

### **RECOMMENDATION:**

Delegated TEMPORARY APPROVAL to the Head of Planning subject to no new grounds of objection being received following closure of the public consultation period and subject to the imposition of appropriate conditions to cover the following matters (and any other conditions deemed necessary by the Head of Planning):

1. Time limit - temporary approval.
2. Removal of facility and earth bund when no longer required and land returned to its original state
3. Development to take place in accordance with amended plans received.
4. Highway conditions including the provision of a revised Traffic Management Plan, Construction Traffic Management Plan, provision of required passing places, access improvements and wheel cleaning facilities.
5. Provision of a hard and soft landscaping scheme
6. Replacement of trees forming part of agreed landscaping scheme
7. Details of external lighting
8. Use of facility limited to contactor only

## **APPEALS SECTION**

### **(4) NEW APPEALS**

**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**  
WRITTEN REPRESENTATIONS

**WELLS-NEXT-THE-SEA - PF/17/1198 - Sub - division of single dwelling to form 2no. dwellings; 2 Butts Corner, The Buttlands, Wells-next-the-Sea, NR23 1EZ for Foxberry Developments**  
WRITTEN REPRESENTATIONS

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

**NORTH WALSHAM - Erection of up to 200 dwellings, open space, supporting infrastructure and other associated works (outline application) - revised submission; Land between Aylsham Road and Greens Road, North Walsham**  
PUBLIC INQUIRY – Date to be confirmed

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

**BODHAM - PF/14/0925 - Erection of wind turbine with a hub height of 40m and blade tip height of 66m with associated substation buildings, access tracks and crane hardstanding; Land at Pond Farm, New Road, Bodham, Holt, NR25 6PP**

Conjoined appeal with

**SELBRIGG – PF/14/1669 - Installation of a single wind turbine with a maximum height to tip of 78m, a new access track, a hardstanding, a small substation building, a temporary meteorological mast and associated infrastructure; Selbrigg Farm, Kelling Road, Hempstead, Holt, NR25 6NF**

Decisions remitted back to the Planning Inspectorate to re-determine the appeals following successful challenge of Inspector Braithwaite's decision to allow the appeals. Planning Inspector concluded that the two appeals could be re-determined using the written representation process. Council has sought to challenge the Inspectorate's decision not to re-hear the appeals as a Public Inquiry. Decision on process expected shortly. In the meantime the written representations process continues. Statements submitted and site visits expected in April 2018.

**BRISTON - PU/17/1044 - Notification for prior approval for change of use of agricultural building to a dwelling house (Class C3); The Old Piggery, Reepham Road, Briston, Melton Constable, Norfolk, NR24 2JL for Mr Blowes**

**BRISTON - PO/17/0656 - Erection of 3x detached bungalows and garages and demolition of existing dwelling (Outline); Carefree, Providence Place, Briston, Melton Constable, NR24 2HZ for Mr Thompson**

**CORPUSTY AND SAXTHORPE - PF/17/1209 - Conversion of 2no. agricultural outbuildings to 2no. holiday let units; Little London Farm, Town Close Lane, Little London, Corpusty, Norwich, NR11 6QU for Mr Casburn**

**CORPUSTY AND SAXTHORPE - PF/17/0470 - Demolition of dwelling, garage & outbuilding & erection of 2 semi-detached bungalows; Sunnyside, Post Office Lane, Saxthorpe, Norwich, NR11 7BL for Sparksfield Ltd**

**FAKENHAM - PF/17/0469 - Erection of two storey dwelling; 17 Greenway Close, Fakenham, NR21 8DE for Ms Richardson**

**NORTH WALSHAM - PF/17/0002 - Variation of Condition 2 of planning permission reference: PF/16/0313 to allow for alterations to first and ground floor fenestration, second floor south elevation fenestration and insertion of rooflights; Aitken House, 28 Yarmouth Road, North Walsham, NR28 9AT for Mr & Mrs Joory**

**NORTH WALSHAM - PU/17/0685 - Prior approval for proposed change of use of agricultural building to dwellinghouse (Class C3) and associated operational development; Barn Adjacent to Brick Kiln Farm, Lyngate Road, North Walsham, NR28 0NE for Mr Denby**

**RUNTON - PF/17/0870 - Erection of single storey dwelling; Beacon Hill, Sandy Lane, West Runton, Cromer, NR27 9NB for Mr & Mrs Broughton**

**SKEYTON - PU/17/1160 - Notification for prior approval for a proposed change of use of agricultural building to dwellinghouse (Class C3) & for associated operational development; Willow Farm Barn, Swanton Abbott Road, Skeyton, Norwich, NR10 5AU for Mr Medler**

**MELTON CONSTABLE - ENF/16/0087 - Removal of Clock Mechanism - Listed Building; Clock Tower, Melton Constable Hall, Dereham Road, Melton Constable, NR24 2NQ**

**MELTON CONSTABLE - ENF/16/0088 - Removal of Cupola - Listed Building; Fire Engine House, Melton Constable Hall, Melton Park, Dereham Road, Melton Constable, NR24 2NQ**

**NORTH WALSHAM - ENF/16/0265 - Building works not being built according to approved plans; Aitken House, 28 Yarmouth Road, North Walsham, NR28 9AT**

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

**FELMINGHAM - PO/17/1042 - Erection of one a half storey dwelling with access off Goulders Lane (outline - details of appearance reserved); Land at Rear of Larks Rise, North Walsham Road, Felmingham, Norfolk, NR28 0JU for Mr & Mrs Emms**

**APPEAL DECISION:- APPEAL DISMISSED**

A summary of this decision is attached at **Appendix 1**.

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

**SCULTHORPE – PF/15/0907 - Erection of 71 dwellings, new access road, side roads, water attenuation ponds, drainage works, play areas, landscaping and associated works (Phase 1- full planning) and Phase 2 of up to 129 dwellings, side roads, primary school, land for community resource centre, play areas, water attenuation ponds and drainage works (outline permission with all matters reserved); Land between Creake Road and Moor Lane, Sculthorpe, Fakenham, NR21 9QJ**

Appellant sought to challenge Inspector Ball's decision to dismiss the appeal. The Planning Inspectorate are not seeking to defend their own Inspector's decision and so this falls to the Council to defend the Inspector on the basis that the Council concludes the decision to have been generally sound. Matter will come before the High Court on 27 and 28 Feb 2018 and a decision is expected March/April 2018.

<b>Application Number: PF/17/1042</b>	<b>Appeal Reference: APP/Y2620/W/17/3183078</b>
<b>Location: Land at Larks Rise, North Walsham Road, Felmingham, NR28 0JU</b>	
<b>Proposal: Erection of a one and a half storey dwelling</b>	
<b>Officer Recommendation: Refuse</b>	<b>Member decision (if applicable): N/a</b>
<b>Appeal Decision: DISMISSED</b>	<b>Costs: N/a</b>
<p><b>Summary:</b>  The main issues the Inspector considered were:</p> <ul style="list-style-type: none"> <li>• Whether the site represents a suitable location for residential development having regard to the development plan and the NPPF, and</li> <li>• The effect of the development on the living conditions of future occupiers.</li> </ul> <p>Location:  The Inspector agreed that the appeal site is located in the Countryside policy area protected under policies SS1 and SS2 of the Core Strategy. He acknowledged the Council's land supply position and as a result acknowledged that the Core Strategy policies are up to date and afforded them significant weight in his decision. The Inspector noted that the application site is not physically isolated, but he considered the location to be isolated in terms of access to services, and the need for future occupiers to be heavily reliant on use of the private car. The appellant had put forward arguments in relation to the social, environmental and economic aspects of sustainable development, but the Inspector considered that these would equally apply to a house in a more sustainable location and afforded these arguments little weight. As such, he concluded that the application proposals would conflict with the aims of the Core Strategy and the NPPF.</p> <p>Impact on living conditions:  On this point the Inspector disagreed with the officer's recommendation stating that the proposed garden area was not dissimilar in size to that of surrounding dwellings. As such, he considered the proposals to comply with policy EN4 of the Core Strategy.</p>	
<p><b>Relevant Core Strategy Policies:</b>  SS1 – Spatial Strategy  SS2 –Development in the Countryside  EN4 - Design</p>	
<p><b>Relevant NPPF Sections/Paragraphs:</b>  Paragraph 14 – The presumption in favour of sustainable development</p>	
<p><b>Learning Points/Actions:</b>  N/a</p>	

**Sources:**

Sarah Ashurst – Development Management Manager