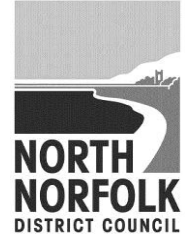


Development Committee



Please contact: Linda Yarham

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

TO REGISTER TO SPEAK PLEASE CALL 01263 516150

1 August 2018

A meeting of the **Development Committee** will be held in the **Council Chamber** at the Council Offices, Holt Road, Cromer on **Thursday 9 August 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 30 August 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 7 August 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 Claussen-Reynolds, 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 R Shepherd, Mr B Smith, Mr N Smith, Mrs V Uprichard

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

All other Members of the Council for information.

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



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

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

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

AGENDA

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

PUBLIC BUSINESS

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

To approve as a correct record the Minutes of a meeting of the Committee held on 12 July 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) **CROMER - PF/18/0848 - Installation of two dormers windows and rooflight; 3 Burnt Hills Wood, Roughton Road, Cromer, NR27 9LN for PP3 Limited** Page 4
- (2) **WELLS-NEXT-THE-SEA - PF/17/1939 - Demolition of existing grain store building and erection of 9 dwellings comprising of a detached two storey dwelling, 3no. two storey terrace dwellings and 5no. three storey terrace dwellings with associated car parking, access and erection of external steps to facilitate means of escape.; Units at Old Coal Yard, Maryland, Wells-next-the-Sea, NR23 1LX for Mr Cheetham** Page 7

- (3) DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – QUARTER 1 2018/19 Page 26
- (4) NEW APPEALS Page 29
- (5) INQUIRIES AND HEARINGS - PROGRESS Page 30
- (6) WRITTEN REPRESENTATIONS APPEALS - IN HAND Page 30
- (7) APPEAL DECISIONS – RESULTS AND SUMMARIES Page 31
(Appendix 1 – page 32)
- (8) COURT CASES – PROGRESS AND RESULTS Page 31
- 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 - 9 AUGUST 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) **CROMER - PF/18/0848** - Installation of two dormers windows and rooflight; 3 Burnt Hills Wood, Roughton Road, Cromer, NR27 9LN for PP3 Limited

Target Date: 29 June 2018

Case Officer: Mrs G Lipinski

Householder application

CONSTRAINTS

Settlement Boundary of Principal Settlement (Cromer)

RELEVANT PLANNING HISTORY for 3 Burnt Hills Wood, Roughton Road, Cromer, NR27 9LN

PF/13/0618 PF

Land at Roughton Road, adjacent 1 Burnt Hills, Cromer, Norfolk

Erection of five no. two-, three-, and four-storey townhouses

Withdrawn by Applicant 16/07/2013

PF/13/0979 PF

Land at Roughton Road, adjacent 1 Burnt Hills, Cromer, NR27 9LN

Erection of two three-storey dwellings and one two-storey dwelling

Refused 26/02/2014 APPEAL ALLOWED 26/01/2015

CDA/13/0979 CD

Burnt Hills Wood, Roughton Road, Cromer

Discharge of conditions 3 and 11 of appeal decision APP/Y2620/A/14/2219340 planning reference PF/13/0979

Condition Discharged 13/05/2016

THE APPLICATION

Permission is sought to install two 'mini-dormer' windows to the front (north) elevation roof slope and a Velux style roof light to the southeast roof slope of 3, Burnt Hills Wood, Cromer. The property is a two-storey detached dwelling and is one of a cluster of detached dwellings located adjacent to Roughton Road railway station / viaduct.

Members will note from the Planning History section of this report that permission for the erection of the subject building (PF/13/0979 Erection of two three-storey dwellings and one two-storey dwelling) was granted at appeal on 26 January 2015.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr. N. Pearce and Cllr. J. Lee having regard to the proposed windows exacerbating the existing overlooking of neighbouring properties.

PARISH/TOWN COUNCIL

Cromer Town Council: No objections

REPRESENTATIONS

Two letters objecting to the proposal have been received raising the following points:

- The original permission should never have been allowed;
- Views will be blocked;
- Increased parking – potentially on the road;
- Overlooking
- Existing flood lighting may have an adverse impact on the occupiers of the property;
- Responsibility for the fence needs to be established.

CONSULTATIONS

None required

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):

SS1: Spatial Strategy for North Norfolk

EN4: Design

CT6: Parking Provision

National Planning Policy Framework (March 2012)

Section 7: Requiring good design

MAIN ISSUES FOR CONSIDERATION

1. Principle of Development
2. Design
3. Amenity
4. Parking Provision

APPRAISAL

1. Principle

The application site is located within the settlement boundary of Cromer which is designated as a Principal Settlement in policy SS1 of the Core Strategy. The principle of the three dwellings on the wider site, including their design and orientation, was established with the granting of planning permission at appeal under planning application PF/13/0979.

2. Design

In total, three contemporary designed dwellings occupy the site. The dwelling which is the subject of this application lies to the south of the site and at right angles to Roughton Road. The property's front elevation faces north towards the railway station / viaduct. The building is a two-storey three bedroom property with a two bay detached garage. The property's three bedrooms are located on the ground floor with the living, dining room and kitchen on the first floor. The proposed 'mini-dormer' windows would serve a fourth bedroom and the proposed Velux would serve the associated en-suite bathroom, all of which are to be created in the roof space.

Mindful of the density of the site and the close-knit grain of the buildings, the Planning Inspector who upheld the appeal and granted planning permission for the dwellings on this site, imposed a condition on the permission which removed permitted development rights for new windows (amongst other details) so as to ensure that, if applied for, any impact on amenity arising from such development, could be assessed. That is not to say that new windows may not be acceptable, but he considered that their impact should be considered and that they should require planning permission in their own right. As such, whilst the 'mini-dormer' windows and roof light would normally be able to be installed without the need for express planning permission, it is now required.

The scheme as originally submitted proposed traditional style dormer windows. These were not considered to sit comfortably visually with the contemporary design of the dwelling and as such amendments were requested. The amended plans now propose a more modern style 'mini-dormer' which reflects the modern design and protrudes less from the roof slope thereby reducing their visual impact and maintaining the uncluttered, clean lines of a contemporary roof slope.

For clarity, 'mini-dormers' are a combination of a traditional dormer design and a Velux style window. They satisfy internal head room requirements whilst externally they lie almost flush with the roof slope (similar to a Velux roof light). Officers consider that the insertion of mini dormer windows would not detract from the overall appearance of the subject property or the development site as a whole.

The proposed southeast elevation Velux window, which would not be visible from the wider street scene, is considered to be of an acceptable design and in an acceptable location.

Following the submission of the revised scheme the proposals are considered to be of an acceptable design and therefore accord with the requirements of policy EN4 of the Core Strategy.

3. Amenity

The property the subject of this application, 3 Burnt Hills Wood, and 1 Burnt Hills Wood, lie virtually opposite one another and have an existing window to window separation distance of approximately 12.5 metres. The North Norfolk Design Guide Supplementary Planning Document (SPD) recommends a distance of 21 metres between primary windows, 18 metres between primary and secondary windows, and 15 metres between secondary windows. The existing window to window relationship clearly falls short of the Design Guides recommendations but was accepted by the Inspector in his upholding of the appeal.

In light of the existing window to window relationship it is considered that the introduction of two 'mini-dormer' windows and one Velux window, which would serve a small attic bedroom, en-suite and landing area, would not significantly add to the existing overlooking between the properties such as to warrant refusal of this application. Indeed, the proposed Velux window to serve the en-suite would have a negligible impact being situated to the rear and facing away from the neighbouring properties.

The third property at the site, 2 Burnt Hills Wood, lies in-between numbers 1 and 3 and sits perpendicular to them both. At first floor level and to the front of the property, there is a projecting window. However, given the orientation of this property in relation to the other two properties and the existing window to window arrangements on site, it is not considered that the new 'mini-dormer' windows will significantly increase overlooking to a detrimental level such as would warrant refusal of the application.

With regard to the existing properties at Burnt Hills, these properties are to the rear of the subject property and sit some distance away. The proposed 'mini-dormer' windows to the front of the property would have no impact on them at all. There may be some increased perception of overlooking as a result of the Velux roof light, but it is proposed that this windows is conditioned to be obscure glazed in any event.

The proposals are not considered to give rise to additional overlooking, over and above that which exists at the site already, and as such are considered to be in accordance with the aims of policy EN4 of the Core Strategy.

4. Parking Provision

The property has existing parking facilities for three cars: two within the detached garage and one forward of the garage. The car parking standards as set out within the North Norfolk Core Strategy require that four bedroom properties have a minimum of 3 parking spaces and a maximum of 4 parking spaces. The property can therefore demonstrate sufficient parking for a four bedroom dwelling. The proposals are therefore considered to be in accordance with the requirements of policy CT5 of the Core Strategy.

5. Conclusion

The principle of the dwellings has been established under the appeal decision in respect of application PF/13/0979. The insertion of the 'mini-dormer' and Velux windows are not considered to give rise to any significant detrimental impact to the amenity of the neighbouring dwellings and they are considered to be of an acceptable design. As such, the proposals are considered to be in accordance with the requirements of the relevant policies of the Core Strategy.

RECOMMENDATION: Approve subject to the imposition of the conditions as set out below, and any other conditions as deemed necessary by the Head of Planning:

1. Time limit for implementation
2. Development in accordance with the approved plans
3. Dormers and Velux windows to be installed in accordance with the details as submitted in the application.
4. The Velux window to the southeast elevation shall be obscure glazed

- (2) **WELLS-NEXT-THE-SEA - PF/17/1939 - Demolition of existing grain store building and erection of 9 dwellings comprising of a detached two storey dwelling, 3no. two storey terrace dwellings and 5no. three storey terrace dwellings with associated car parking, access and erection of external steps to facilitate means of escape.; Units at Old Coal Yard, Maryland, Wells-next-the-Sea, NR23 1LX for Mr Cheetham**

Minor Development

- Target Date: 24 January 2018

Case Officer: Miss J Medler

Full Planning Permission

CONSTRAINTS

Unclassified Road
Controlled Water Risk - Medium (Ground Water Pollution)
Contaminated Land Buffer
Area of Outstanding Natural Beauty
Contaminated Land
Flood Zone 3 1:200 chance sea/1:100 chance river
Flood Zone 2 - 1:1000 chance
LDF - Settlement Boundary
LDF - Residential Area

RELEVANT PLANNING HISTORY for Units at Old Coal Yard, Maryland, Wells-next-the-Sea, NR23 1LX

PLA/20051799 PF

Coal Depot & Premises, Maryland, Wells-Next-The-Sea
Continued Use Of Former Coal Depot For Steel Fabrication (Class B2), Retention Of Portable building And Erection Of Steel Storage Area.
Refused 08/02/2006

DE21/10/0078 ENQ

Site at Maryland, Wells-next-the-sea, NR23 1LX
Development of flats on site of disused grain store
16/03/2011

PF/11/1106 PF

Former Coal Yard, Maryland, Wells-next-the-sea, NR23 1LX
Continued use of former coal yard for storage of boats and siting of portable office buildings
Approved 11/05/2012

PO/14/0070 PO

Former Maltings, Maryland, Wells-next-the-Sea, NR23 1LX
Demolition of redundant maltings and erection of eight three-storey residential dwellings
Withdrawn by Applicant 17/11/2014

PF/15/1450 PF

Former grain store/ coal store and merchants yard, Maryland, Wells-next-the-Sea, NR23 1LX
Demolition of existing grain store building, coal store and merchants yard and construction of 13 dwellings
Withdrawn by Applicant 18/12/2015

PF/17/0214 PF

Units At Old Coal Yard, Maryland, Wells-next-the-Sea, NR23 1LX
Demolition of existing grain store building and erection of 9no. dwellings (4no. two storey and 5no. three storey) with associated garaging, parking and access
Refused 09/05/2017

THE APPLICATION

The application seeks full planning permission for the demolition of the existing grain store building and the erection of 9 dwellings comprising of a detached two storey dwelling, 3no. two storey terrace dwellings and 5no. three storey terrace dwellings with integral garaging, associated car parking, access and erection of external steps to facilitate means of escape.

REASONS FOR REFERRAL TO COMMITTEE

At the request of the Head of Planning given the site history and level of local interest in the application.

TOWN COUNCIL

Wells Town Council

Comments on Original plans: Object. Wells Town Council has considered this application and objects on the grounds of overdevelopment, height of the buildings (too high), vicinity to neighbouring buildings (too close), loss of light, overlooking and loss of privacy. In addition, residents attending the Town Council meeting have serious concerns about possible discrepancies with plan measurements and the distances between the proposed new development and existing buildings.

Comments on Amended Plans: Object. Wells Town Council have considered the amended application and object on the grounds that the development will be too high, that it is overdevelopment of the site and there will be a loss of privacy for neighbours.

REPRESENTATIONS

Five letters of objection have been received from local residents and one comment. The points raised in the objections are as follows:

- Overshadowing
- Loss of light
- Overbearing
- Noise and disturbance
- Concerns over excavation and impact on retaining walls
- Should be a smaller development
- Concerns regarding site area and measurements incorrect on the plans
- Overdevelopment
- Flood escape route not suitable for disabled and young
- Pathway shown for flood escape route for use of No's 21 – 23 there is no right of way
- Out of place
- No affordable housing
- Proposed dwellings are too high
- Too close to existing dwellings
- Incongruous development
- Highway safety
- Access restricts access to other properties adjacent (Garaging at Mill Garage)
- Unsafe access
- Homes aimed at second home owners

Three further letters of objection have been received following the receipt of amended plans. Whilst a comment has been made that 2 and 3 storeys is favourable concerns regarding loss of privacy, flooding, excavation and stability of retaining walls and disturbance to residents are still raised.

CONSULTATIONS

Environmental Health:

Comments on Original Plans - No objection subject to a condition in relation to contaminated land and advisory notes in relation to demolition and asbestos. Some concerns have been raised regarding the proximity of the application site to the industrial activities to the south. In

view of this the applicant is advised that they should consider this in the building design to insulate against external noise sources, especially on the southern elevation of the development. This may include restrictions of opening windows, positions of bedrooms and use of suitable glazing.

Comments on Amended Plans – No response.

Landscape Officer:

Comments on Original Plans - No objections in relation to Ecology and Biodiversity subject to appropriate conditions. However, object on grounds of landscape impact on the local landscape character (Rolling Open Farmland) contrary to Policy EN2. Furthermore, the site is located within a highly valued and sensitive landscape (the Norfolk Coast Area of Outstanding Natural Beauty) which is afforded significant protection under local and national policies. The NPPF states that “great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty” (para 115), it is considered that the current proposals do not conserve or enhance the landscape and would fail to comply with the NPPF.

Comments on Amended plans – Following receipt of amended plans changing the design and reducing the height of the main housing block, it is considered that the impact on the landscape has been reduced to an acceptable level. The scale of the proposed dwellings will remain significant in the landscape however they are more likely to be read in conjunction with the surrounding built form. The Landscape Section therefore remove their previous objection under Policy EN2 of the Core Strategy. Conditions required on any approval.

County Council (Highway):

Comments on Original Plans – No objection subject to a condition that vehicular access, on site car parking and turning area are laid out in accordance with the approved plan prior to the first occupation of any of the dwellings.

Comments on Amended plans – No response

Norfolk Coast Partnership:

Comments on Original Plans – No objection. The proposal would not appear to have a detrimental impact on the AONB as it replaces a larger building in a wider built up area. Advice provided in relation to external lighting to preserve the dark landscapes and dark skies and that any external lighting should minimise light pollution.

Comments on Amended plans – No response

Emergency Planning Officer:

Comments on Original Plans – Concerns raised in relation to safety refuge, structural safety, water entry strategy and the entry and exit points, mitigation. In addition the fire service should not be relied on to rescue people, this is not a mitigation method.

Comments on Amended plans – No objection. The amended Plan and Flood evacuation plans are fit for purpose now that there is no habitable accommodation on the ground floor and the walking escape route can be used by all the residents within the complex without the need to pass through the flood water. As noted in the flood plan all people living in the accommodation should prepare their own flood risk evacuation plan and sign up to the Environment Agency’s Flood Warning Service.

Environment Agency:

Comments on Original Plans - No objection, subject to a condition that the development is carried out in accordance with the approved Flood Risk Assessment (FRA) and that the finished ground and first floor levels are conditioned as set out in the mitigation measures of the submitted FRA.

Comments on Amended plans - No additional comments to make to those given in their consultation response dated 23 March 2018.

Historic Environment Service (Norfolk County Council):

Comments on Original Plans – No objection but require a condition for a programme of archaeological recording in accordance with the NPPF to be submitted prior to the commencement of development.

Comments on Amended Plans – No comments

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to Article 8: The Right to respect for private and family life.

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 3 - Housing

SS 14 - Wells-next-the-Sea

EN 1 - Norfolk Coast Area of Outstanding Natural Beauty and The Broads

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 9 - Biodiversity and geology

EN 10 – Development and Flood risk

EN 13 - Pollution and hazard prevention and minimisation

HO 1 - Dwelling mix and type

CT 5 - The transport impact of new development

CT 6 - Parking provision

Relevant Sections from the National Planning Policy Framework (NPPF)

Section 5 – Delivering a sufficient supply of homes

Section 12 - Achieving well-designed places

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

Section 15 - Conserving and enhancing the natural environment

MAIN ISSUES FOR CONSIDERATION

1. Principle of development
2. Design
3. Dwelling mix and type
4. Density
5. Impact on residential amenity
6. Highway safety
7. Biodiversity
8. Flood Risk
9. Landscape impact and impact on Area of Outstanding Natural Beauty
10. Environmental Considerations
11. Other issues

APPRAISAL

The Committee will be familiar with the site following a recent site visit.

Background

The Committee will note from the Planning History section of this report that this is the fourth planning application that has been submitted in relation to the redevelopment of this site since 2014. The site consists of a redundant former grain store building and was a former coal yard. The buildings on site have not been used for a number of years and are in poor condition, and are deteriorating rapidly.

The site is located on Maryland which is just off Polka Road and one of the main approaches into Wells-next-the-Sea. It is a prominent site, both when entering Wells and in wider views of the Town in the landscape. Given the scale of the existing building and its current condition it is not considered that the site has a positive visual appearance in its immediate or wider setting.

The applicant, agents and Officers have had numerous discussions about the redevelopment of the site and what may be acceptable and in accordance with Core Strategy policies. Three previous schemes have been submitted for the residential development of the site but were not considered to be acceptable. Two of which were withdrawn (PO/14/0070 and PF/15/1450), and one refused last year (PF/17/1214). The reasons for refusal were in relation to the following:

- Design – scale, mass, overdevelopment, inappropriate, design fails to comply with Policies HO1 and HO7, fails to preserve or enhance character and quality of area
- Amenity – Loss of privacy, overlooking, overbearing
- Flood Risk – Insufficient information, failure to comply with Sequential and Exception tests
- Biodiversity/Ecology - Failure to provide Ecological Assessment of the site

Following the submission of the current application Officers concerns remained regarding the redevelopment of the site. However, following recent discussions the current application has now been amended in line with Officer advice in order to address the previous objections and reasons for refusal.

1. Principle of development

Despite the industrial nature of the application site and its former uses including a grain store and coal yard the site is located within an area of Wells-next-the-Sea which is designated as 'Residential', under Policy SS3 of the adopted North Norfolk Core Strategy. In such a location appropriate residential development is considered to be acceptable in principle subject to complying with other relevant Core Strategy policies. In accordance with Policy SS1 of the

Core Strategy under the 'settlement hierarchy' Wells-next-the-Sea is classed as a Secondary Settlement. It is considered to be a sustainable location where new residential development is directed as set out under Policy SS14. Therefore, the principle of the redevelopment of the site for residential purposes is acceptable in this location and in accordance with Policies SS1, SS3 and SS14 of the Core Strategy.

2. Design and layout.

The application site is an unusual 'n' shape, with direct vehicular access off Maryland to the south. However, the main area of the site does not have a road frontage. Directly to the south in between the application site and the road (Maryland) there is an existing building known as 'The Old Mill', which is a mix of small scale commercial uses at ground floor and residential at first floor. The application site wraps around The Old Mill to the west, north and east. There are residential dwellings surrounding the application site also to the west, north and east, and commercial premises directly to the south west, south and south east. To the south of Maryland and off Great Eastern Way are further commercial/ industrial premises on land that is designated as Employment Land under the Core Strategy.

There is a significant difference in ground levels between the application site and the land to the north west, north and north east, where the surrounding neighbouring dwellings are located. The application site has a lower ground level than the surrounding land with retaining walls in place along the aforementioned boundaries. The difference in levels is clearly visible on site. The submitted site sections show the current difference in levels to be 2 – 2.5m to the north west and north, and 1.5 – 2.5m to the north east.

There is also a gradual difference in levels across the application site itself, with the land to the north at a higher level than that to the south. It is proposed that the area of land to the north of the site, which would form the rear gardens of the proposed dwellings, would be 'dug out' and the ground level lowered. This would allow for the proposed development to be constructed at a lower point on the site rather than being constructed on the highest point. This in turn would help to minimise the overall height of the proposed buildings to a scale which is more in keeping with the surrounding dwellings.

The lowering of the ground level on the site would not be immediately adjacent to the northern boundary, but would be adjacent to the north west and north east. The level change would occur approximately 1m back from the northern boundary of the site, gradually sloping backwards to the rear of the proposed dwellings over approximately 5 – 6m. The deepest area of excavation would be approximately 7m away from the northern boundary at a depth of approximately 1m. As a result of the proposed excavation on site this would increase the difference in ground levels to the north west from 2.5m to just under 4m. To the north east this would increase from 2m to 3m.

It is appreciated that the proposed change in ground levels has raised concerns for some residents, whose boundaries adjoin the application site, over stability of retaining walls and whether the ground levels have already been lowered. However, the stability of the retaining walls to the boundaries of the site as a result of the excavation proposed is a civil matter and the responsibility of the developer. Building Control have advised that they would not become involved with works to a boundary wall, unless the wall became a dangerous structure. If the works carried out on site caused any damage to the boundary walls belonging to the neighbouring properties then this is likely to be civil matter. If the groundworks of the actual building works affected the boundary walls this would be covered under Building Regulations and justification for any works would be required. In addition if any works affect the boundary walls this would be subject to the Party Wall Act legislation which is a civil matter. Therefore there is other legislation in place which covers the acceptability of this type of work.

The existing grainstore building is an extremely large 'monolithic' type structure which measures approximately 13.7m to the ridge, 11.2m to the eaves, 40m in length and between 8 - 12m deep.

It is a prominent building in that area and due to its scale and position is clearly visible when approaching Wells from the south along Polka Road. The existing building is of no architectural or historic merit. It is not a designated or non-designated heritage asset. The condition of the site as a whole is poor and its redevelopment with an appropriate scheme would enhance the character of the area. There is therefore no objection to the demolition of the existing buildings at the site.

The proposed development is for 9no. dwellings, which are separated into three parts;

- To the west of the site is a detached two storey, one bedroom dwelling (Unit 1).
- Centrally on the site is Block A, which consists of a terrace of 5no. three storey, three bedroom dwellings (Unit 2 – 6).
- To the east of the site is Block B which consists of a terrace of 3no. two storey, 1 bedroom dwellings (Unit 7 – 9).

As originally submitted, attempts had been made to reduce the scale of Block A, by partially reducing the scale of Units 2 and 3 to three storey and detaching Unit 1 and creating a two storey dwelling.

Units 7 and 8, in Block B, had also been reduced in scale from 3 storey to 2 storey, and the habitable accommodation on the ground floor to Unit 9 (two storey) had been removed. Officers considered these changes to be a positive step forward.

However, whilst these changes reduced the scale of part of the scheme it did not reduce the scale of the overall scheme and Units 4, 5 and 6 of Block A remained four storey. Officers advised the applicant and agent that this remained unacceptable and that the overall height of Block A should be reduced so that it is below the current eaves height of the existing grainstore building.

The existing grainstore building is some 3m higher than the dwellings to the north west and north, and 5m to the north east and east. Prior to the amendments made under this application Block A was approximately 1.5m higher than the surrounding dwellings. Whilst Block A would now be three storey, as amended, by reducing the overall height and the ground levels of the site this would bring the ridge height of Block A more in line and comparable with the ridge heights of the aforementioned surrounding dwellings. The difference in ground levels means that the proposed dwellings would appear as two storey from Northfield Avenue to the north as the ground floor of the proposed dwellings would be lower than the ground level of the dwellings to the north. In turn this would be more in keeping with the scale of the predominant form and character of the immediate area, which is a mix of single storey and two storey dwellings, consisting of detached, semi-detached and terraced dwellings.

Based on the sections provided the difference in ridge heights between the proposed buildings and the existing dwellings to the north west, north and north east would be as follows:

Detached two storey dwelling:

- 3.5m lower than dwellings to north (approx.).
- 4m lower than dwelling to north west (approx.)

Block A

- Same ridge height as dwellings to north (approx.)
- 600mm lower than dwelling to north west (approx.)

Block B

- 4m lower than dwellings to north (approx.)
- 800mm lower than dwelling to north east (approx.)

The changes made to the scheme are set out below:

Detached two storey , one bedroom dwelling (Unit 1):

Unit 1 has not been amended under this application. It is not considered to be excessive in scale. It would measure approximately 7.5m in height to the ridge, with an eave height of 3m. It would have a 9m frontage and a 6.5m wide gable with a 0.6m projection where a front gable would extend outwards. The habitable living accommodation would be at first floor, and in this case these rooms would essentially be within the roof space.

This dwelling would also have a half hip roof to the west and a gable to the east where it is adjacent to Unit 2 of Block A. There would be approximately 1m separation distance between Unit 1 and Unit 2 of Block A but these are both blank gable walls.

Block A: A terrace of 5no. three storey, three bedroom dwellings (Units 2 – 6):

As originally submitted Block A consisted of three and four storey dwellings. Unit 2 was the only entirely three storey part of Block A. Unit 3 was part three storey/part four storey and Units 4, 5 and 6 were all four storey. The four storey element of the scheme was shown to be approximately 11.8 – 12.5m in height. The eave height was approximately 8.5m. Block A as a whole was shown to have a 34m frontage, and gable width of 7.5m extending to 8.5m where the front gables extend outwards.

Following negotiation by Officers and the receipt of amended plans the overall ridge height of Block A has been reduced so that the entire block is now entirely three storey. The overall ridge height is now approximately 10.7m. This is nearly a 2m reduction in the overall height. The ridge would be approximately 200mm below the eave height of the existing grain store building. The roof to Block A has also been fully hipped to both the east and west elevations. The eave height is approximately 7.6m, which is a reduction of 1m.

The frontage measurement of 34m is unchanged. However, due to the removal of the fourth floor, and in order to be able to achieve 3 bedrooms over 2 floors (as no habitable accommodation can be provided at ground floor due to flood risk) the gable width has increased. The gable width is now proposed at 9m extending to 10m where the front gables extend outwards, an increase of 1.5m. Whilst 9m is considered to be a wide gable width, given the height of the building at 10.7m and overall length at 34m it is not considered that this would be out of scale with the remainder of the building. In addition, given that Unit 1 and Block B are positioned to the east and west of Block A, that Block A is set back into the site and that there are other buildings surrounding the site it is not considered that it would be possible to fully read the width of the gables in the street scene.

As the fourth floor has been removed and the internal layout of the proposed dwellings has been re-configured to achieve a scheme that can be viably developed it is considered to be an acceptable design change.

Block B: A terrace of 3no. two storey, one bedroom dwellings (Units 7 – 9):

Block B was originally submitted as two and three storey dwellings. Units 7 and 8 were three storey, and Unit 9 was two storey. Unit 9 also had habitable accommodation on the ground floor and was sited within Flood Zone 3. This was not considered to be acceptable.

Block B originally had a ridge height of between 7.8m to 10.6m, 5m – 7.5m to the eaves had a 8.5m gable width and had a frontage of 20.5m. This block has also been amended and the third storey removed. This is now entirely two storey. The ridge height has been reduced to 7.7m to 9.2m, with an eaves height of 5m – 6m. The ridge and eaves height has been reduced by approximately 1.5m overall. It is considered that the reduction in scale of this block is acceptable in design terms, and the habitable accommodation to Unit 9 is now on the first floor only as amended.

In terms of the design and appearance of the proposal projecting gables are proposed to the front elevations to help break up the linear form, and introduce some elevational relief. A projecting brick plinth is proposed to help ground the development onto the site. The proposal also has a variation in ridge heights going from two storey dwellings to either end of the site up to three storey at the central part of the site. This creates visual interest in the street scene and reflects the difference in heights of surrounding dwellings. The fenestration is regular with brickwork detailing above windows and doors, and to gables. Balconies are proposed at first floor level with glass screen balustrades.

The materials proposed are a multi red brick which is considered to be appropriate for the area where red brick is predominant in various shades. The roof tile proposed is an artificial slate. Whilst a red clay pantile is a traditional roofing material there are other examples of slate roofs in Wells and it is not therefore considered that this would be significantly detrimental to the overall design and appearance of the scheme. It would add visual interest and a contrast to the proposed multi red bricks. White UPVC is proposed for the windows and doors.

Given the amendments made to the plans, which have reduced the overall scale and massing of Blocks A and B so that the ridge of Block A is below the eaves height of the grainstore building, it is considered that this along with the overall design and materials of the proposal is now acceptable and in accordance with Policy EN4 of the Core Strategy.

3. Dwelling mix and type

Policy HO1 of the Core Strategy refers to the dwelling mix and type of a development. There are two parts to that policy as follows:

- On schemes of five or more dwellings at least 40% of the total number of dwellings shall comprise of not more than 70sqm internal floor space (80sqm is now accepted) and incorporate 2 bedrooms or fewer.
- On schemes of five or more dwellings at least 20% shall be suitable or easily adaptable for occupation by the elderly, infirm or disabled.

The previous application (PF/17/0214) failed to comply with this policy which formed one of the reasons for refusal of that application. However, following amendments to the proposal as submitted under this current application 4no. of the proposed dwellings out of the total number of 9no. dwellings would have a floor area of not more than 80sqm and are 1 bedroom only. The proposal therefore complies with the first part of the policy.

With regard to the second part of the policy given that there is no habitable accommodation on the ground floor of the proposed dwellings, due to flood risk at the site, there are no single storey dwellings proposed. However, 4no. two storey 1 bedroom dwellings are proposed with habitable accommodation being at first floor only. It is possible that these could be adapted in the future.

The proposal is therefore considered to broadly comply with Policy HO1 of the Core Strategy.

4. Density

One of the reasons for refusal under application PF/17/0214 was on the grounds of the density of the development being unacceptable. Policy HO7 of the Core Strategy provides indicative densities for new residential development proposals. In a Secondary Settlement such as Wells-next-the-Sea the policy aims to achieve no less than 40 dwellings per hectare (dph), but this is provided that the development optimises the density of the site in a manner that protects or enhances the character of the area.

The Design and Access Statement submitted with the application states that the development would constitute 32dph. This is below the 40dph set out in the policy, but is considered to be acceptable in this location given the surrounding character of the area and particular site constraints, including flood risk. In addition, taking into consideration the design impact of increasing the number of dwellings a higher density scheme would not be considered acceptable in this location.

It is therefore considered that following the amendments made to the proposal under this current application that it now complies with Policy HO7 of the Core Strategy.

5. Impact on residential amenity

The overall scale and massing of the buildings proposed means that a careful assessment needs to be made of the relationship and potential impact on neighbouring dwellings surrounding the site including The Old Mill to the south, the dwellings to the east off Knitting Needle Lane, to the north from Northfield Avenue, to the north west (No.5 Rose's Court) and west. These have been considered as follows:

The Old Mill (South)

The Old Mill is located directly to the south of Block A of the proposed development. It is some 10m in height to the ridge, and has a footprint of approximately 22m x 18m. It is a sizeable building in its own right. To the rear of this building is a single storey section with a pitched roof approximately 6m in height. The two storey element of this building faces north towards the application site and has first floor windows to residential accommodation at first floor. It is not known which rooms the windows facing the application site serve.

Block A of the proposed development would be approximately 9m from the rear elevation of the single storey part of The Old Mill, and approximately 17m away from the first floor. However, it is considered that due to the height of the pitched roof to the single storey section of The Old Mill that this would actually screen views between the first floor windows of the Old Mill and the windows and balconies on the first and second floors of Block A. It is considered that the windows of Block A would be looking out onto that roof rather than directly down into the first floor windows of The Old Mill.

In terms of compliance with the amenity criteria the above separation distances do not meet the recommended distances of Primary to Blank elevations (11m), and Primary to Primary elevations (21m) as set out in the North Norfolk Design Guide. This would result in a shortfall of approximately 2 – 4m. Notwithstanding this shortfall the Design Guide advises that where a strict observance of these criteria would be harmful to the design quality or to the form and character of an area, reductions in these guide distances may be permissible. Without such flexibility developments may become uniform and lacking in visual interest and local distinctiveness. They may also fail to make the most efficient use of land and therefore not achieve the densities sought under Policy HO7 of the Core Strategy.

In this case if the amenity criteria were to be strictly applied it is considered this would result in a harmful development. It would mean that Block A would only be approximately 4m off the northern boundary. This would not be acceptable in design terms and would result in an

unacceptable relationship to the occupiers of the dwellings to the north off Northfield Avenue.

For the reasons explained above it is not considered that the proposal would result in significant overlooking of The Old Mill to the detriment of the residential amenities of the occupiers.

Dwellings to east off Knitting Needle Lane

Directly to the east of the site there is a commercial building which fronts the road, and an access which runs adjacent to the eastern boundary of the site up to a row of three two storey terrace dwellings. To the north east of the site is a detached two storey dwelling known as Hill House.

The commercial building faces an undeveloped piece of land which is in the same ownership as the application site, but which does not form part of this application. The row of terraced dwellings face towards the proposed car parking area of the development. These relationships are therefore considered to be acceptable and would not result in any significant detrimental impact to the occupiers in terms of residential amenity.

Hill House would not be directly adjacent to any proposed buildings. However, Block B would be the nearest part of the development to this neighbouring dwelling. Block B would be located some 6m to the south west of Hill House. The very eastern part of the site does not currently have any buildings on it. There are the remains of part of a building but this is some 14m away from the boundary with Hill House. This proposal would therefore bring the built form closer to their boundary.

Unit 9, which is a two storey dwelling would be approx. 2.5m from the boundary with the garden of Hill House. It would have a blank gable facing east, and two first floor windows facing north. These windows would look directly over Unit 9's own garden and would not face towards Hill House. The nearest window to Hill House would be to a bathroom which could be conditioned to be fitted with obscure glazing.

Whilst Hill House has a first floor window which faces west, towards the rear gardens of the proposed dwellings, the primary outlook for this neighbouring property is to the south. Given that the approximate ground level of Hill House would be 2.5 – 3m higher than the application site, and that there is a wall to the boundary of their garden with the application site which would help to screen any views of the site it is not considered that there would be a significant detrimental impact upon the privacy of the occupiers of Hill House.

Dwellings to north on Northfield Avenue

The dwellings off Northfield Avenue are slightly staggered and therefore their distances to the proposed development (building to building) vary between approximately 21.5m to 28m.

It is considered that the rear elevations of the dwellings off Northfield Avenue and the rear elevations of the proposed buildings would be considered as Secondary under the amenity criteria in the Design Guide. In accordance with that guidance a secondary to secondary recommended distance would be 15m. This proposal would clearly exceed that requirement.

Whilst Block A of the proposal is three storeys in height, given the change in ground levels between the application site and the dwellings off Northfield Avenue, Block A would appear as two storey dwellings when viewed from the north as the ground level of the development would not be seen.

In addition based on the sections submitted with the application taking into account the height of the rear boundary fences to the dwellings off Northfield Avenue, which are estimated at some 1.8m in height the first floor of Block A would also be screened. It would only be the

second floor of Block A which would be visible as would be the case with any other two storey development backing onto other development. The second floor windows in Block A which face north are to bathrooms and en-suites and could be conditioned to be fitted with obscure glazing. This means that there would be no overlooking to the north from Block A.

With regard to Unit 1 there would be two rooflights proposed in the roof space facing north, but they would not result in any overlooking due to the difference in ground levels to the north and existing boundary treatments which would screen any views.

Again as a result of the difference in ground levels and boundary treatments between the site and Northfield Avenue Block B would not overlook the dwellings to the north.

It is therefore considered that the proposal would not have a significant detrimental impact upon the privacy and amenities of the occupiers of the dwellings to the north.

Dwelling to north west of site (No.5 Rose's Court)

To the north west of the site is a two storey dwelling with a room in the roof space. This dwelling faces the application site, but does not directly face the proposed buildings on the site. This dwelling is approximately 6m from the western boundary. There is vegetation along this boundary which provides some screening. The nearest proposed dwelling to the west is Unit 1 the two storey detached dwelling. Unit 1 would be approximately 8m to the south east and Block A would be approximately 18m away. The existing grainstore building is approximately 11.5m to the south east.

Given the difference in ground levels at this point (between 2 – 4m as proposed) no overlooking would occur from the proposed development towards this property. It is therefore considered that this relationship is acceptable.

Dwelling to south west of site

To the south west of the site is a building that is a former garage. It is understood that there is a residential flat at first floor. There is a first floor outdoor terrace area facing north. The application site is to the north and north east of this property with the vehicular access directly to the east. There is a staggered boundary around this. Unit 1 would be directly to the north of this neighbouring building and would be approximately 9m from the outdoor terrace area, and 17m from the north elevation of the first floor flat. In terms of separation distances in the Design Guide it is considered this would be a Secondary to Secondary relationship (15m). Whilst the relationship between building to building would comply with the amenity criteria there would be a shortfall in the separation distance to the outdoor terrace. However, it is considered that Unit 1 has been designed in such a way to mitigate overlooking as much as possible. At first floor there is a rooflight to a bedroom, and a small window to a living room. The living room window would face south, but past the building to the south west rather than over and into it. It is accepted that there would be some overlooking between these buildings.

Block A would be at an oblique angle to this building and whilst there would be some overlooking it would not be significant.

In this case it is considered that strict adherence to the amenity criteria, in the Design Guide, would be harmful to the design quality of the scheme. It would result in Unit 1 being positioned hard up to the northern boundary, which would have a detrimental impact on the form and character of the development. It is therefore considered that as set out in the Design Guide flexibility in this criteria is required.

In addition, given the flood risk issues on the site, which require all habitable accommodation to be at first floor and above, a single storey development would not be acceptable. Any development would therefore need to be a minimum of two storeys.

For the reasons explained above it is considered that this relationship is acceptable and whilst some overlooking would occur it is not considered it would be significant.

In general terms of amenity Block A would be positioned nearly 2m further back on the site than the position of the existing grainstore building, and would be just under 4m further back beyond the rear of the existing grainstore building. The rear garden depths range between 7 - 12m, and 7 – 11m in width. In accordance with the Design Guide garden areas are recommended to be no less in area than the footprint of the dwelling to which they relate. In considering both the front and rear gardens it is considered that there is a shortfall on Units 2 and 3 where the rear gardens are smaller than on other plots. However, there remains outdoor amenity space for the units and the areas specified in the Design Guide are recommended only. It is not therefore always possible to meet this recommended criteria. It is dependent on the merits of each development. In this case it is not considered that this shortfall would be significantly detrimental to the amenities of the prospective occupiers of the development.

Whilst there is a shortfall in some areas in terms of amenity criteria and relationships to neighbouring buildings to the south, south west and garden areas, this shortfall is based on recommended criteria and which is not always possible to fully comply with. On balance it is not considered that the proposal would have a significant detrimental impact upon the privacy and amenities of the occupiers of surrounding neighbouring dwellings and future occupiers of the proposal development and is generally compliant with Policy EN4 of the Core Strategy.

6. Flood Risk

The southern half of the application site, including the vehicular access, is located within Flood Zones 2 and 3 as designated by the Environment Agency. These are zones at the highest risk of flooding. The northern half of the site is designated as Flood Zone 1, which is at the lowest risk of flooding.

The Environment Agency has confirmed that the site is currently defended through The Hunstanton to Kelling Hard Shoreline Management Plan (SMP). The SMP currently has a policy to 'Hold the Line' until 2105. This means that the site is protected by the existing flood defences and is not at risk of flooding under the present day 1 in 200 annual probability flood event. The Environment Agency advises that the defences will continue to offer protection over the lifetime of the development. The lifetime of a residential development is generally considered to be 100 years. In this case the 'Hold the Line' policy under the SMP is for a further 87 years. The Environment Agency has confirmed that on this basis they have no objection to the application.

However, the Environment Agency has advised that the SMP policy to 'Hold the Line' is aspirational and subject to future funding. Therefore, given that part of the site is considered to be located in Flood Zone 3a, it is classed as a 'more vulnerable' development as defined in the Planning Practice Guidance (PPG) and therefore has a high probability of flooding should the defences not be maintained. The Environment Agency has therefore advised that the proposal needs to demonstrate compliance with the NPPF as well as passing the Sequential and Exception Tests and be supported by a Site Specific Flood Risk Assessment (SSFRA).

The applicant has therefore submitted a SSFRA and a Flood Warning and Evacuation Plan, as well as supporting information in relation to the applying the Sequential and Exception Tests.

The Environment Agency has been consulted on this information and whilst raising no objection to the proposal has advised that the District Council should be satisfied that the development is safe.

The site is currently protected by flood defences with a crest level of 6.1m AOD which is above the present day 1 in 200 annual probability flood level of 4.97m AOD. Therefore, as explained above, the site is currently not at risk of flooding in the 1 in 200 flood event, subject to the SMP policy. However, if the SMP policy is not followed then at the end of the development lifetime the 1 in 200 annual probability flood level, including climate change, would be 6.13m AOD and would overtop the existing defences. However, the submitted SSFRA, which provides the most up to date information in terms of flood risk, advises that in the event of an overtopping scenario there would be no flooding across the site up to and including the 1 in 1000 year event plus climate change. The height of water above the defence would be minimal (0.073m) and given the distance that the flood water would have to travel towards the site and the higher ground level of the site, it would therefore be safe during such an overtopping event. There is therefore a low “actual risk” of flooding of the site.

The worst case scenario is that the defences are not maintained and a breach of the flood defences occurs. This is deemed as “residual risk”. The Environment Agency therefore requires a condition, should the application be approved, that the finished ground floor level of the proposed development is set no lower than 5.2m AOD, and that the finished first floor level is set no lower than 7.9m AOD.

Based on the finished floor level (FFL) of 5.2m AOD in an undefended/breach situation the site could experience depths of flooding up to 0.93m during the 1 in 200 flood event and up to 1.37m during the 1 in 1000 year event including climate change. This is classed as a ‘danger for most’. The ground floor of the proposed development would therefore flood up to 0.93m. However, given that the finished first floor level would be 7.9m AOD, and the 1 in 1000 year annual probability breach would be 6.57m AOD the first floor of the proposed development would be safe and provide safe refuge. Hence the Environment Agency’s requirement for the conditions in relation to finished floor levels.

The submitted SSFRA states that if a breach occurred there could be up to 51 hours from initial surge activity before the hazard across the ground floor areas becomes ‘Dangerous for Most’. This would allow additional evacuation time and for residents to leave the site on foot or by car to the west onto Polka Road and by foot to higher ground to the north achieved by a proposed pedestrian access onto a footpath off Northfield Avenue. This would not be possible during the peak of the event. In the Flood Warning and Evacuation Plan it is recommended that residents evacuate the site in the westerly direction before the onset of flood water and away from the main urban area of Wells.

The SSFRA states that it would take 27 minutes for the floodwater to travel 824m and reach the site from the breach. However, it would take 52 hours after the breach opened for the flood water to reach a level on the site to inundate the proposed ground floor of the development. The ground floor would be inundated by floodwater after 52 hours and to a depth of 0.75m. The hazard would be ‘Dangerous for most’. The remaining flood levels after the event (i.e. after hour 169 when the hinterland flood level stabilises) would be 1.90m AOD. Given that the ground floor of the development would be 5.2m AOD the ground floor of the development would remain free of floodwater as it would have receded from the site from hour 53, assuming the breach is not repaired beforehand. If after hour 51 residents had not evacuated they would need to reside on the upper floors for a period of 2 hours until the ground floor hazard becomes ‘Very Low’.

Where development is proposed in a high risk flood zone it is for the Local Planning Authority to apply the Sequential Test and if necessary the Exception Test in accordance with the NPPF. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. If following the application of the Sequential Test it is not possible or consistent with wider sustainability objectives for the development to be located in zones with a lower probability of flooding then the Exception Test needs to be applied.

In this case with regard to the Sequential Test, whilst part of the site is currently Flood Zone 1 and at the lowest risk of flooding it would not be acceptable for the whole of the development to be located in this area. This would result in an unacceptable relationship to the neighbouring dwellings to the north of the site off Northfield Avenue. Only where there are no reasonably available sites should sites in flood zone 3 be considered. The Government's on-line Planning Practice Guidance suggests that for individual applications the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. It suggests a pragmatic approach on the availability of alternatives should be taken by Local Planning Authorities when applying the test.

If the catchment area was taken as the entire district the proposal would fail the test as there would be alternative sites reasonably available in Principal Settlements including Fakenham which is the nearest to the site. Taking into account the fact that the proposal is for 9no. dwellings on a site which has a coastal location the Local Planning Authority has taken a pragmatic approach as set out in national guidance and as such the area the sequential test applies to has been limited to the settlement of Wells, specifically the settlement boundary as defined for the purposes of the Core Strategy. On the basis of the information supplied in this respect, it is considered that there are no sequentially preferable or reasonably available sites. The Local Planning Authority therefore considers the sequential test has been passed. However, given that part of the site is within Flood Zones 2 and 3 the Exception Test also needs to be applied.

For the Exceptions Test to be passed a development needs to demonstrate compliance with the following bullet points:

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared;

The wider sustainability benefits to the community are considered to be the improvement to the site and entrance to the town on a key route from Polka Road that this development would bring. The site has stood unused for a number of years and is falling into a state of disrepair. The building is in poor condition and needs to be demolished. The development would also provide 9no. new dwellings with a mix of one and three bedrooms, which would provide new dwellings to meet the Districts housing need.

- A site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking into account vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

A Site Specific FRA has been submitted with the application along with a Flood Evacuation and Warning Plan. It concludes that there is a low risk of actual flooding of the site by overtopping of the defences but there remains a residual risk if a breach of the defences was to occur. However, the SSFRA proposes mitigation measures including a Water Entry Strategy that would allow any flood waters to flow through the ground floor of the buildings so as not to increase flood risk elsewhere. The vulnerability of users has also been addressed, with an escape route to the north of the site for pedestrians and the first and second floors of the proposed dwellings would be able to provide safe refuge should the occupiers not be able to evacuate the site.

It also has to be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest risk unless there are overriding reasons to prefer a different location.

The proposed dwellings have been sited as far as possible in the areas of lowest risk.

However, given the site constraints, including the unusual shape of site, changes in ground levels and the relationship to surrounding neighbouring properties, it is not possible to place the development elsewhere within the site. There is no habitable accommodation at ground floor.

- Development is appropriately flood resilient and resistant, including safe access and escape routes where required and that any residual risk can be safely managed, including by emergency planning, and it gives priority to the use of sustainable drainage systems.

The SSFRA proposes a Water Entry Strategy to allow the flood water to flow through the ground floor of the building. There is no habitable accommodation proposed at the ground floor. Flood resilient and resistance measures are proposed in terms of the construction of the buildings including walls, floors, fittings and services. A pedestrian escape route is proposed to the north of the site out onto a footpath off Northfield Avenue. The residual risk has been assessed in the SSFRA along with mitigation measures and possible depths of flooding and timescales. The Emergency Planning Manager has been consulted and has confirmed that they are satisfied with the information submitted and that all residents should prepare their own flood risk evacuation plan and sign up to the Environment Agency's flood warning service. Safe access and egress routes can be provided which are supported by the Emergency Planning Manager. The Environment Agency have also specified floor levels are conditioned above the predicted worst case scenario flood levels including climate change.

Whilst flood risk formed part of the reason for refusal on application reference PF/17/0214 that was due to the insufficient information that had been provided in relation to the proposed development. The SSFRA has now been updated and addresses the points lacking in the previous application, and the Flood Evacuation and Warning Plan has also been submitted.

Although some of the dwellings are still shown to be in the high risk flood zones including climate change, the risk to the site remains residual in the event of a breach of the defences or if the defence were not maintained under the SMP. The site is currently safe and will not flood. If the defence was overtopped the site would also remain safe and would not flood due to the distance of the site from the flood defence and levels across the site.

The information submitted with the application demonstrates that whilst the site may flood in extreme circumstances there would be safe refuge at first floor, and that the site would flood at hour 51 after the event allowing additional time to evacuate and leave the site by either Polka Road or to the pedestrian route to Northfield Avenue. The Environment Agency and the Emergency Planning Manager have raised no objection subject to conditions.

Whilst the proposal would not fully comply with Policy EN10 of the Core Strategy, the Sequential and Exception tests as set out in the NPPF, which is a material consideration in the determination of this application, have been applied. It is considered that it has been demonstrated that the proposal complies with the requirements of the NPPF in terms of flood risk and the Exceptions Test. It is considered that the applicant has now demonstrated adequate flood resilience, resistance and mitigation measures including a flood evacuation plan and that future occupants would have a safe access/egress during a flood event and would not be exposed to flood hazards.

In addition to this the ground floor of the proposed dwellings can be conditioned as not containing any habitable accommodation to further ensure the safety of residents. Habitable accommodation refers to kitchens, living rooms and bedrooms. Whilst the proposed plans show a garden room at ground floor this is not classed as habitable accommodation. Such a condition does not mean that the ground floor rooms cannot be used, but it controls what type of accommodation can be provided. This has occurred elsewhere in Wells such as the Barkers Yard development to the western end of Freeman Street.

A further material consideration in the determination of this application is that the site is in need of regeneration and is at an important entrance to the town. The site is currently unsightly and would have wider benefits should it be redeveloped. It would provide a mix of new dwellings, including 4no. 1 bedroom dwellings, and tidy up the appearance of the site. A balance therefore has to be struck between this site remaining an eyesore and it providing new homes in a sustainable location and where new residential development is permitted in principle. The flood mitigation is acceptable and the residual risk is if there is a breach in the defences. The site is currently defended and safe.

7. Highway safety

In accordance with the District Council's car parking standards 1 space is required for 1 bedroom properties and 2 spaces are required for 3 bedroom dwellings. Each dwelling has car parking for 2 cars and there are 8no. additional car parking spaces proposed on the site. The Highway Authority have been consulted and have raised no objection to the proposed development including the car parking layout and vehicular access.

Concerns have been raised as to whether the access driveway to the site would be wide enough for two vehicles to pass. This matter has been discussed further with the Highway Authority, who have advised that in order for 2 vehicles to pass the three car parking spaces proposed to the west of The Old Mill (No's. 2, 3 and 4) would need to be removed. The Highway Authority would have no objections to this. At the time of writing this report this matter was being discussed with the applicant's agent and Members will be updated at the Committee meeting.

Notwithstanding the above the proposal is considered to be compliant with policies CT5 and CT6 of the Core Strategy.

8. Biodiversity

An Ecological Appraisal and an Ecological Impact Assessment have been submitted with the application. The survey confirmed that there are no roosting bats within the existing buildings, although foraging activity was present in the locality. Precautionary mitigation for bats and bat roost enhancements is proposed within the report together with recommendations for nesting birds, reptiles, and hedgehogs, and soft landscaping enhancements. Precautionary working methodologies are proposed. A condition is therefore required for the submission of a Biodiversity Method Statement for bats, nesting birds, reptiles and protected species. The proposal is therefore considered to be compliant with Policy EN9 of the Core Strategy.

9. Landscape impact and impact on Area of Outstanding Natural Beauty

Whilst the site lies within the designated residential Policy Area it is also located within an Area of Outstanding Natural Beauty (AONB). However, the site is not located within an isolated landscape location. It is located within an already developed area of the town with residential to the north, east and west and commercial/industrial to the south. It is possible to see the site when approaching Wells from the east on the Coast Road (A149). However, the existing building is read against the back drop of the surrounding residential dwellings. Given that the proposed development will be reduced in scale compared to the existing building it is not considered that it would result in any greater impact on the AONB than the existing building. In fact it is considered it would be of lesser impact and would blend into the residential development around it from that distance.

The proposal is therefore considered to comply with policies EN1 and EN2 of the Core Strategy.

10. Environmental Considerations

The Environmental Protection Team have been consulted on the application and have raised no objections. Whilst the Contaminated Land Officer agrees with the findings and recommendations in the Contamination Report, and agreed that it is considered the risks associated with contamination are likely to be low, further sampling of the site is required in line with the report. It is considered that a Phase 2 Assessment be undertaken prior to the commencement of development and a condition is required to be imposed in relation to this on any approval. Advisory notes are also required in relation to demolition and asbestos.

The Environmental Protection Officer has also advised that the developer may wish to consider the building design in terms of the relationship to industrial activities to the south of the site, such as suitable glazing.

The Environmental Protection Officer has raised a concern regarding the potential noise from the industrial estate to the south which is an employment site. This is approximately 55m away from the development site at its closest point and in view of this is not considered to give rise to the potential for loss of amenity through noise for future occupiers.

The proposal is considered to comply with Policy EN13 of the Core Strategy.

11. Other Issues

Whilst not formally consulted on the application the Historic Environment Service at Norfolk County Council have provided comments. This is due to the age of the structure and nature of its former use. However, the building is not listed either designated or non-designated. Nor is the site within the Conservation Area of Wells. There are not therefore considered to be any heritage issues in relation to the demolition of this building and the redevelopment of the site. However, the Historic Environment Service have asked for a condition on any approval that a programme of historic building recording in accordance with the NPPF is to be submitted prior to the commencement of development.

With regard to affordable housing the proposal is for 9no. dwellings which is below the threshold for affordable housing requirement. Therefore no affordable housing is required under this proposal.

The matter of how the Emergency Services would access the site from the north has been raised as a concern. In terms of general access, the main access route would be from the south and front of the proposed dwellings as it would be for the majority of dwellings in the surrounding area. In terms of access from the north by the Emergency Services in a flood event, as advised by the Emergency Planning Manager, the Emergency Services should not be relied upon to rescue people in the event of a flood. It is for occupiers of the proposed dwellings to sign up to the Environment Agency's Flood Warning Service so that they receive appropriate notifications in relation to flood events.

Conclusion

The application site is a derelict and dilapidated site, which is an eyesore on entering the town of Wells from Polka Road. This application provides an opportunity to improve the appearance of the site with a development which would be sustainable and in an area where residential development is permitted.

The proposed development would provide a mix of accommodation of one and three bedroom dwellings over two and three floors. Subject to agreeing acceptable materials the proposal would blend into the surroundings of the already built form of this part of Wells.

The objections and concerns raised by local residents and the Town Council have been carefully considered. However, officers now considered that the proposal has been amended sufficiently to be generally policy compliant. The flood risk issues have been addressed and can be mitigated against. This would not prevent the site from flooding but measures would be put in place would help to keep residents safe and provide safe access/egress and refuge.

Given the constraints of the site it is always going to create difficulties in finding a balance between an acceptable development and one which is viable for a developer. This proposal has been significantly scaled down and it is considered that an acceptable balance in policy terms has now been reached.

RECOMMENDATION: Approve subject to the imposition of appropriate conditions, including any other relevant conditions deemed appropriate by the Head of Planning:

1. Time limit for implementation
2. In accordance with approved plans/amended plans
3. Removal of permitted development rights for any alterations, outbuildings, new windows/openings
4. Obscure glazing to second floor bathroom and en-suite windows on northern elevation
5. Details of materials
6. Details of external lighting
7. Ground and first floor levels
8. No habitable accommodation on ground floor
9. Landscaping scheme
10. Programme of Historical Building Recording
11. Vehicular access, car parking and turning area laid out prior to first occupation
12. Contamination Phase 2 Survey
13. Biodiversity Method Statement
14. Development carried out in accordance with Flood Risk Assessment
15. Flood Evacuation/Warning Plan
16. Details of steps providing evacuation routes including materials and retention in perpetuity

(3) **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – QUARTER 1 2018/19**

1. Introduction:

1.1 This report sets out the first quarter performance in relation to the determination of planning applications in both Development Management (DM) and Majors.

2. Background:

2.1 The table below sets out the 2018 performance targets set by Central Government and the period over which performance will be monitored.

Measure and type of application	2018 threshold and assessment period
Speed of Major Development	60% of applications determined within 13 weeks or an agreed extended deadline over a 24 month cumulative period. NB for EIA development this extends to 16 weeks or an agreed extended deadline.

Quality of Major Development	Not more than 10% of appeals overturned over a 24 month cumulative period.
Speed of Non-major ¹ Development	70% of applications determined within 8 weeks or an agreed extended deadline over a 24 month cumulative period.
Quality of Non-major Development	Not more than 10% of appeals overturned over a 24 month cumulative period.

2.2 It is important to note that each measure will be assessed separately. An authority can be designated purely for its performance on Major applications or Non-major applications; good performance on one does not outweigh the other.

2.3 An authority can claim 'exceptional circumstances' before designation occurs. An authority will be given the opportunity to provide clear evidence to justify any corrections to data and to set out any exceptional circumstances which would, in their opinion, render designation unreasonable. Such claims are judged against two criteria:

- Whether the issue affects the reasonableness of the conclusions that have been drawn from the data provided, and;
- Whether the issue had a significant impact on the authorities' performance for reasons beyond its control.

3. Current Performance:

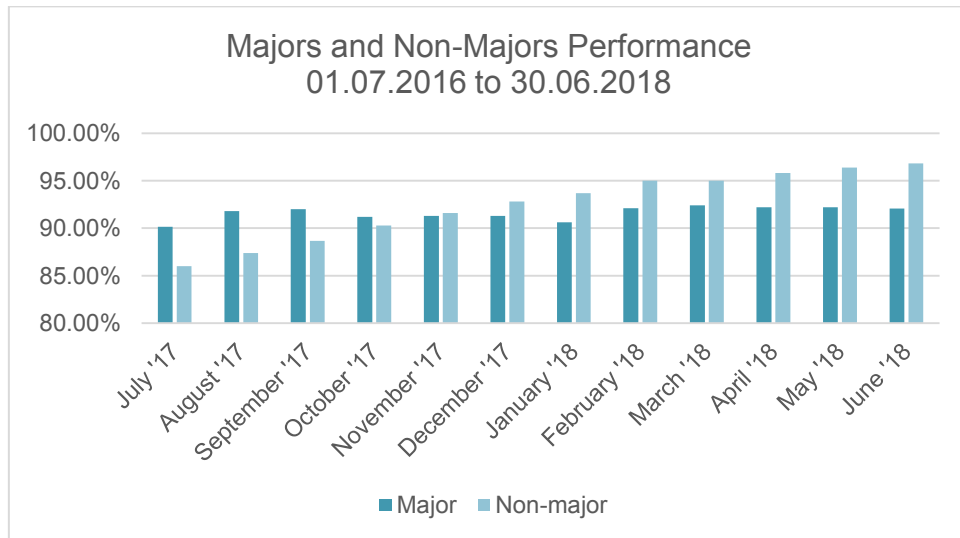
3.1 Current applications performance data in relation to speed of decisions for Majors and Non-majors is shown in column 4 of the table and in the graph on the following page. The final column provides a red/amber/green indicator of our performance against the performance target for 2018. This data is shown only for the last 12 month period but the percentage detailed is for the 24 month cumulative period:

Year	Month	Type	Gvt performance indicator (NI157)	National PI 2018 criteria
			Cumulative (month + 23 preceding months)	Majors (60%) Non-Maj (70%)
2017	July	Major	90.14%	
		Non-Maj	86.00%	
	August	Major	91.80%	
		Non-Maj	87.40%	
	Sept	Major	82.00%	
		Non-Maj	88.67%	
	Oct	Major	91.20%	
		Non-Maj	90.30%	
	Nov	Major	91.30%	
		Non-Maj	91.59%	
	Dec	Major	91.30%	
		Non-Maj	92.80%	
2018	Jan	Major	90.63%	
		Non-Maj	93.70%	
	Feb	Major	92.10%	
		Non-Maj	95.00%	
	March	Major	92.42%	
		Non-Maj	95.00%	
	April	Major	92.19%	

¹ See Town and Country Planning (Development Management Procedure) (England) Order 2015:
<http://www.legislation.gov.uk/uksi/2015/595/article/2/made>

	Non-Maj	95.80%	
May	Major	92.19%	
	Non-Maj	96.40%	
June	Major	92.06%	
	Non-Maj	96.83%	

3.2 The graph below shows the above data in a clearer format.



3.3 In Development Management the next push will be on reducing the overall use of extensions of time. Extensions of time are used when a valid application period for determination is running but it is clear that more than the statutory time is genuinely required. Any such agreement must be in writing and set out the timescale within which a decision is expected.

3.4 Over the last 24 months cumulative period (1st July 2016 to 30th June 2018) the Development Management service has used extensions of time on approximately 24% of applications. Each officer has an appraisal target to reduce their use of extensions of time to not more than 20% by March 2019.

3.5 In the Majors team, use of extensions of time are more prevalent due to the complex and strategic nature of the applications, many of which require S106 Obligations which take the scheme beyond 13 weeks and which therefore rely on dialogue with the applicant/agent to agree a further period of time within which to reach a positive conclusion. Over the same 24 month cumulative period extensions of time were used on 67% of major applications. It is not considered possible or realistic at this time to significantly reduce the dependency on extensions of time for major applications but this position will be reviewed once new pre-application procedures are in place for major applications.

3.6 A comparison of numbers of applications submitted for the last three first quarters shown in the table below, shows that workload is steadily increasing. This does not include pre-application advice requests.

Type of Development (Major/Minor/Other) NB Non-major applications are covered in 'minor' and 'other' applications.	Number of applications received first quarter 2016/17	Number of applications received first quarter 2017/18	Number of applications received first quarter 2018/19	Variance 2016/17 and 2017/18	Variance 2017/18 and 201/19
Major	10	8	4	-2	-4
Minor	140	134	115	-6	-19
Other	286	300	313	+14	+13
Non-categorised ²	0	30	8	+30	-22
Unattributed data	24	5	6	-19	+1
TOTAL	460	477	446	+17	-31

3.7 Appeals performance data (the quality criteria) was not assessed by Government in 2017. The table below sets out the number of appeals overturned (or lost) and this as a percentage of total application numbers decided over the 24 month period.

	Appeals overturned (lost)	Total applications decided (1 July 2016-30 June 2018)	%
Majors	0	63	0
Non-Majors	13	2335	0.56

4. Recommendations:

4.1 Members are asked to note the content of this report.

APPEALS SECTION

(4) NEW APPEALS

BRISTON - PF/17/1681 - Erection of two semi-detached houses to include a detached single garage and new vehicular access.; Land rear of 157 &159 Fakenham Road, Briston, Melton Constable, NR24 2HQ for Mr K Lawrence
WRITTEN REPRESENTATIONS

CROMER - PF/18/0446 - Erection of single storey side extension to dwelling above existing lower level garage; 5 Holt Road, Cromer for Mr & Mrs Wilson
FAST TRACK - HOUSEHOLDER

EDGEFIELD - PF/17/1995 - Erection of single storey rear extension, two storey side extension & reconstruction of roof to form additional second storey accommodation and dormer windows; Green Lanes Cottage, Ramsgate Street, Edgefield, Melton Constable, NR24 2AY for Mr & Mrs Davy
FAST TRACK - HOUSEHOLDER

² Non-categorised applications include conditions discharge applications, non-material amendments etc

**SWANTON ABBOTT - PF/18/0702 - Conversion of garage to annex accommodation; Country Barn, The Hill, Swanton Abbott, NORWICH, NR10 5AT for Mr Read
FAST TRACK - HOUSEHOLDER**

(5) INQUIRIES AND HEARINGS - PROGRESS

**NORTH WALSHAM - PO/17/0549 - 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 for MLN (Land and Properties) Ltd & Simon Rossi & Katherine Beardshaw & Nigel Rossi
PUBLIC INQUIRY 21 August 2018**

**ALBY WITH THWAITE - ENF/17/0201 - Static caravan used for full residential purposes.; Thwaite Hill Farm, Middle hill, Thwaite Road, Alby, NR11 7PN
INFORMAL HEARING 11 December 2018**

**TUNSTEAD - ENF/15/0067 - Unauthorised commercial uses of former agricultural buildings; Beeches Farm, Crowgate Street, Tunstead, Norwich, NR12 8RF
PUBLIC INQUIRY 25 September 2018**

(6) WRITTEN REPRESENTATIONS APPEALS - IN HAND

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

HAPPISBURGH - PU/17/1003 - Notification of prior approval for a proposed change of use of agricultural building to pair of semi-detached dwellings; Hill Farm, Whipwell Green, Happisburgh, NORWICH, NR12 0AJ for Mr Pugh

MUNDESLEY - PF/17/1735 - Erection of first floor extension to create residential flat; Mundesley Post Office, 15 High Street, Mundesley for Mr Thiruchelvam

NORTH WALSHAM - PF/17/0902 - Conversion of stable/barn to create dwelling; Agricultural Building, Adjacent to Bells Cottage, Holgate Road, White Horse Common, North Walsham, NR28 9N for Mr F Knights

OVERSTRAND - PF/17/0222 - Formation of children's play area and erection of play equipment to rear of public house; White Horse, 34 High Street, Overstrand, CROMER, NR27 0AB for Mr Walsgrove

POTTER HEIGHAM - PF/17/1217 - Erection of detached single-storey dwelling; 17 St Nicholas Way, Potter Heigham, Great Yarmouth, NR29 5LG for Mr Laxon

TUNSTEAD - PF/17/0428 - Change of use from Agricultural to General Industrial (Class B2) (retrospective); Unit 13, Beeches Farm, Crowgate Street for Mr Platten

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

MELTON CONSTABLE - ENF/16/0086 - Unauthorised works to listed building; Bath House, Melton Constable Hall, Melton Park, Dereham Road, Melton Constable, NR24 2NQ

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/14/0130 - Fences Erected Enclosing Land Which had Previously been Grass Verge Maintained by the Council; 8 Debenne Road, North Walsham, NR28 0LZ

(7) APPEAL DECISIONS - RESULTS AND SUMMARIES

**BLAKENEY - PF/17/1880 - Demolition of existing dwelling and erection of replacement two storey detached dwelling; Shingle House, 5 Westgate Street, Blakeney, HOLT, NR25 7NQ for Mr & Mrs Long
APPEAL DECISION:- APPEAL DISMISSED**

**DILHAM - PF/17/1162 - Erection of agricultural workers dwelling; Land opposite , Lodge House, Honing Road, Dilham, NR28 9PN for Bindwell Ltd
APPEAL DECISION:- APPEAL DISMISSED**

**MORSTON - PO/17/0645 - Proposed single storey building for holiday let accommodation; Land at Morston, The Street, Morston, Holt, NR25 7AA for Mr Paterson
APPEAL DECISION:- APPEAL DISMISSED**

**WELLS-NEXT-THE-SEA - PF/17/1621 - Demolition of part of the existing dwelling to be replaced by a single storey rear extension and erection of a detached two storey dwelling with associated parking; Goosebec, Warham Road, Wells-next-the-Sea, NR23 1JD for Mr & Mrs Everson-Crane
APPEAL DECISION:- APPEAL DISMISSED**

Summaries of the above appeal decisions are attached at **Appendix 1**.

**KETTLESTONE - PF/17/1870 - Temporary siting of mobile home for use as a dwelling to allow for the re-establishment of small holding (retrospective); Land adjacent to 7 The Street, Kettlestone, Fakenham, NR21 0JB for Mr Pearson
APPEAL DECISION:- APPEAL WITHDRAWN**

**STALHAM - PF/17/2010 - Erection of two-storey building containing 2no. self-contained two bedroom flats; Land at 6 St Marys Road, Stalham, Norwich, NR12 9DU for Mrs Doe
APPEAL DECISION:- APPEAL WITHDRAWN**

(8) COURT CASES - PROGRESS AND RESULTS

No change from previous meeting.

Application Number: PO/17/0645	Appeal Reference: APP/Y2620/W/17/3192082
Location: Land at Morston, The Street, Morston, Holt, NR25 7AA	
Proposal: Erection of a new single storey building for holiday let accommodation	
Officer Recommendation: Refuse	Member decision (if applicable): N/a
Appeal Decision: DISMISSED	Costs: N/a
<p>Summary:</p> <p>The main issues the Inspector considered was:</p> <ul style="list-style-type: none"> • Whether the appeal site represents a suitable location for tourist accommodation having regard to the development plan and the NPPF; • The effect of the development on highway safety, and; • The effect of the development on trees and landscaping. <p>Location of Development:</p> <p>The Inspector noted policies SS1 and SS2 of the Core Strategy. He also noted policy EC7. He noted that the principle settlements are the preferred locations for new tourism accommodation and that, sites in the countryside, should demonstrate that no sequentially preferable sites are available. Policy EC3 (Undeveloped coast) was also noted.</p> <p>The appellant had argued that the tourism policies of the local plan are out of date, but the Inspector considered them up to date and consistent with the aims of the Framework and afforded them significant weight.</p> <p>The Inspector considered that those staying at the proposed accommodation would be heavily reliant on travel by car, the location being some distance from local services and with limited public transport facilities. He drew attention to policy EN3 of the development plan and stated that whilst he accepted the limited visual impact, the appellant had not demonstrated the proposed development requires a coastal location.</p> <p>In the absence of the sequential test having been passed, and the lack of evidence that the use requires a coastal location, he found the proposals contrary to policies SS2, EC7 and EN3 of the Core Strategy.</p> <p>Highway Safety:</p> <p>The Inspector considered that the visibility from the access onto The Street was severely restricted. Whilst vehicle speeds would likely be very low in this location due to the nature of the highway network, the access was, in his opinion, far from satisfactory.</p> <p>The Inspector noted the actions of pedestrians using the road network when vehicles were passing. He also noted the concerns of the County Highways officer. He found that the intensification of the access, either as an entrance or an exit, would represent a significant detriment to highway safety in conflict with policy CT5 of the Core Strategy.</p> <p>Trees:</p> <p>The Inspector noted the Council's concerns regarding the resulting impact on the AONB as a result of landscaping of the site, but considered that this could have been adequately controlled through any Reserved Matters submission.</p>	
<p>Relevant Core Strategy Policies:</p> <p>SS1 – Spatial Strategy for North Norfolk SS2 – Development in the Countryside EC7 – Location of New Tourism Development EN2 – Landscape and Settlement character EN3 – Undeveloped Coast</p>	

CT5 – Transport Impact of new development
Relevant NPPF Sections/Paragraphs: N/a
Learning Points/Actions: N/a

Application Number: PF/17/1162	Appeal Reference: APP/Y2620/W/17/3186928
Location: Land opposite Lodge House, Honing Road, Dilham	
Proposal: Erection of a dwelling for an essential agricultural worker	
Officer Recommendation: Refuse	Member decision (if applicable): N/a
Appeal Decision: DISMISSED	Costs: N/a

Summary:

The main issues the Inspector considered was:

- Whether there is an essential need for an additional full-time worker to live permanently at or near Dilham Farm so they are available at most times, and, if so, whether there is any alternative accommodation on the appellant’s landholding or other existing accommodation in the area.

Need:

The Inspector noted policies SS2 and HO5 of the Core Strategy. He also noted paragraph 55 of the national Planning Policy Framework (“the Framework”) and specifically he quoted the framework’s exception for housing in the countryside if it can be demonstrated that there is an “*essential need for a rural worker to live permanently at or near their place of work*”.

The Inspector had questioned the appellant at the Informal hearing on the nature of the farming operations. The Inspector noted that the appellant currently operates a mixed agricultural business over approximately 400 hectares including:

- an arable operation;
- the fattening of approximately 1300 pigs;
- the keeping of 30 horse livery;
- the breeding and rearing of 30 Red Poll cows and suckler calves; and,
- the over wintering of 1000 sheep used to graze stubble turnips between mid-October and mid-February.

The Inspector noted that stock numbers vary but he considered it clear that there is a steady upward trend in sheep and pigs numbers, with further planned increases with up to 2000 pigs in the fattening operation.

For context, the Inspector noted that an arable worker already resides in a separate dwelling within the land holding. The appeal sought a separate permanent dwelling for the livestock manager, who currently resides in a temporary caravan immediately to the north of the existing farm yard at Dilham Hall.

The Inspector first looked at ‘physical need’: whether there is a physical need for a worker to be present at most times of the day and night. He considered that, in the first instance, the on-site need would be met by the appellant himself, residing in Dilham Farm. Therefore, the appeal would need to demonstrate the need for an **additional worker**. During the informal hearing it was established that a second relief worker was also employed and resided within the Appellant’s wider landholding.

The inspector then went on to consider animal welfare and security. He considered that the nature of some of the animal related activities, specifically the hand-feeding of new piglets and/or calving of new born cows, may require some element of on-site presence, but that

this was time limited. The Inspector also queried the on-site security provisions. In conclusion on these points, the Inspector did not consider that there was robust evidence that there exists an 'essential need' for an **additional** livestock worker to be present on site. Further, he considered that travel to the site would most likely be by car, so he considered the starting point less important; indeed he considered that there is no evidence that would indicate that these situations were so numerous that they would require the on-site presence of the appellant and the livestock worker most of the time.

In concluding on this point, the Inspector accepted that the number of animals has increased considerably and with it the amount of labour required, but he considered that it is only where it is **essential** for a rural worker to be present that the special circumstances set out in Paragraph 55 are present. He considered that the evidence provided by the appellant did not justify a grant of planning permission for a new isolated dwelling in the countryside.

Alternative accommodation:

The Inspector considered that the appellant had not sufficiently considered the conversion of existing buildings on the site. He had noted a redundant dairy building and some storage and office buildings. Further, the Inspector noted the prior approval secured by the appellant for a building within the wider landholding at Tin Lodge, Broad Fen Lane, Dilham. The Inspector felt both these options should be explored.

Further, both parties submitted to the appeal a search of properties for sale within 1 mile of the Farm holding. The Council had not limited their search by property size, whereas the appellant had only searched on three-bed properties (these, in his consideration, being what was needed to attract the right calibre of livestock worker). The Inspector considered that two-bed properties within Dilham should also be considered by the appellant, as they could be extended or adapted. Essentially, whilst the Inspector accepted that an additional worker is required to support farm operations during a typical working day, a case has not been made for them to be on hand at all times. In this respect it is not clear why the accommodation requirements of the additional worker could not be met elsewhere.

The appellant submitted to the Informal hearing an appeal decision from 1997 for a single storey agricultural workers dwelling to the south of the main farmyard at Dilham Farm. The Inspector did not consider this relevant to the application before him.

In conclusion, the Inspector considered that whilst there is a need for a livestock worker to be permanently present on or near to the site for part of the year, he did not consider that need to be essential at other times. Furthermore, he concluded that the appellant had not demonstrated that the need cannot be reasonably met by other alternative accommodation either within the appellant's land holding or within the immediate vicinity. He therefore considered the proposals to conflict with CS Policy SS 2 and fails to satisfy the requirements of CS Policy HO 5. In addition, the Inspector found that the special circumstances required by Paragraph 55 of the Framework are not present and a permanent dwelling on the appeal site is not essential.

Relevant Core Strategy Policies:

SS1 – Spatial Strategy for North Norfolk

SS2 – Development in the Countryside

HO5 – New agricultural or forestry workers accommodation

Relevant NPPF Sections/Paragraphs:

Paragraph 55

Learning Points/Actions:

In its assessment, the Council had accepted that the need had been established. However,

the Inspector disagreed this point in part. Officers will consider if specialist advice on such applications is required in future.

Application Number: PF/17/1621	Appeal Reference: APP/Y2620/W/18/3193335
Location: Goosebec, Warham Road, Wells, NR23 1JD	
Proposal: Alterations and extension to existing dwelling and construction of a new dwelling with associated parking.	
Officer Recommendation: Refuse	Member decision (if applicable): N/a
Appeal Decision: DISMISSED	Costs: N/a
<p>Summary: The main issues the Inspector considered were:</p> <ul style="list-style-type: none"> • The effect of the proposed development on the character and appearance of the area; • The living conditions of the occupants of 1 Grove Road, with particular reference to light; • Highway safety, with particular reference to visibility, and • Biodiversity, with particular reference to bats. <p>The effect of the proposed development on the character and appearance of the area: The Inspector noted that the appeal property is positioned within a short row of dwellings that are arranged in a discernible building line. The properties in the immediate vicinity of the appeal site are architecturally varied but they are generally laid out in a way that affords space around and between buildings. This provides the area with a spacious character and appearance even though some properties have been extended.</p> <p>He noted the proposed plot width of the new dwelling, and considered that this was a contributing factor into the design of the dwelling. As a result he considered that the proposed dwelling would have under sized proportions as a response to the restricted width of the plot. This would result in it being uncharacteristically small and narrow in the street scene. Consequently, the proposed dwelling would have a discordant presence that would give the impression it had been squeezed into the plot rather than being a natural and harmonious infilling. Further exacerbated by the provision of site boundaries, widening of the access, and parking for 4 cars being provided. He concluded that the proposals would be contrary to EN4 of the Core Strategy (CS).</p> <p>The living conditions of the occupants of 1 Grove Road, with particular reference to light: The Inspector considered that the height of the proposed dwelling alongside its close proximity to the windows would likely have a significantly harmful effect upon the levels of day and sun light penetrating the effected windows. Accordingly, the rooms served by the windows would experience a loss of day and sunlight. He concluded that the proposals would be contrary to EN4 of the Core Strategy (CS).</p> <p>Highway safety, with particular reference to visibility: The Inspector noted that the appeal site has an access onto the A149, a main route that links Cromer and Hunstanton. He observed the heavy traffic use of this road. The Inspector noted that the access would be reconfigured to ensure sufficient visibility splays could be achieved to the east, ensuring that a left turn out of the site could be undertaken safely. However, he considered a right turn would be more problematic as a hedge within the front garden of the neighbouring property, and thus outside the control of the appellants, truncates the visibility splays to the west of the site access to such an extent that they would be significantly below the required standard. He therefore considered that motorists exiting the appeal site would not be able to see traffic within Warham Road until they have begun to</p>	

leave the site, posing the risk of a collision, particularly as traffic moving from the west may on occasions be in the centre of the road. As a consequence, the proposal would prejudice highway safety. In addition, the proposal would intensify the use of the sub-standard access. The Inspector concluded that the appeal scheme would harm highway safety and this would place it in conflict with Policy CT5 of the CS, which seeks to secure safe access to developments.

Biodiversity:

The Inspector noted that a protected species survey was submitted with the application and that he was content to rely on its content given that it had been undertaken by a suitably qualified ecologist. He noted that the survey identified the presence of bats and therefore proposed that further surveys should be undertaken, specifically in relation to the status of the roosting bats and a requirement for 2 nocturnal bat surveys.

The Inspector was clear that this additional information had not been included with the application as was required and that, given such surveys must be established prior to the granting or otherwise of planning permission, they could not be secured by condition. He considered that the absence of further surveys is a significant omission. Without them, there is an unacceptable risk that the proposal could significantly harm bats and their habitat.

He therefore concluded that the proposal would be contrary to Policy EN9 of the CS, which states that developments should protect the biodiversity value of buildings, be accompanied by a survey assessing the presence of protected species (where necessary) and, if present, the proposal must be sensitive to, and make provision for, their needs.

Relevant Core Strategy Policies:

EN4 – Design
 CT5 – Transport impact of new development
 EN9 – Biodiversity and geology

Relevant NPPF Sections/Paragraphs:

N/a

Learning Points/Actions:

N/a

Application Number: PF/17/1880	Appeal Reference: APP/Y2620/W/18/3200090
Location: Shingle House, 5 Westgate Street, Blakeney, NR25 7NQ	
Proposal: Erection of a replacement dwelling.	
Officer Recommendation: Refuse	Member decision (if applicable): N/a
Appeal Decision: DISMISSED	Costs: N/a
<p>Summary: The main issues the Inspector considered were:</p> <ul style="list-style-type: none"> • The effect of the proposed development on designated heritage assets, with particular regard to 11-15 Westgate Street (Grade II terrace) and the Blakeney Conservation Area, and; • The living conditions of the occupants of adjacent properties, with particular reference to outlook and privacy. <p>The effect of the proposed development on designated heritage assets, with particular regard to 11-15 Westgate Street (Grade II terrace) and the Blakeney Conservation Area: The Inspector noted both the position of the Council and the appellant regarding the walls of the existing building and whether they are or are not listed. In the absence of any evidence or sufficient information to inform the Inspector either way he felt unable to arrive at an</p>	

informed judgement as to the significance of the walls and thus the effect the appeal scheme will have on the listed terrace (11-15 Westgate Street). He therefore considered the proposal to be at odds with Paragraphs 128 and 129 of the Framework.

Turning to the Conservation Area, the Inspector noted the absence of a Conservation Area appraisal. Nevertheless, he observed the character of Blakeney during his site visit. In isolation the Inspector considered that the proposed dwelling would be well proportioned with a reasonably narrow span to the gables and an appropriate angle to the roof pitch. However, the level details on the proposed site plan indicate that the dwelling would be taller than the adjacent listed terrace, 3 and 5 Westgate Street and Turnstone Cottage. In this respect it would lack subservience to the frontage development and therefore appear somewhat imposing and strident due to its height and massing. He found that the proposal would have a limited but serious impact on the CA and potentially the setting of the listed terrace. This harm would be less than substantial within the meaning of the Framework and he therefore carefully considered and weighed the benefits of the proposal against this harm.

The Inspector considered that, subject to an assessment of the significance of the brick and flint walls within the appeal site, a new dwelling, (built to a more appropriate height and massing, which would remove the unsightly bungalow, and which could be built to modern standards, partly on brownfield land with greater resilience and resistance to tidal flooding, such as a first floor refuge), could secure benefits which would outweigh the harm the Inspector had identified. However, the benefits are of limited weight in justifying the current proposal. Similarly, the current untidy appearance of the appeal site could be greatly improved by a general tidy up and is not reliant on the construction of a new dwelling. He did not consider the public benefits would outweigh the harm identified to the listed terrace or the wider Conservation Area and as such, considered the proposals to conflict with Paragraph 132 of the Framework.

Effect on living conditions:

The Inspector considered that the southern gable end of the proposed dwelling would be positioned very close to the rear windows serving part of the listed terrace. The combination of the depth and height of the gable, alongside the close proximity, would result in the outlook from part of the terrace being unduly dominated and enclosed.

However, the Inspector considered that the overlooking issues between the appeal site and adjacent properties could be overcome through the imposition of conditions or amendments to the scheme.

He therefore only found the scheme to fail the requirements of EN4 with regard to the outlook from the listed terrace.

Relevant Core Strategy Policies:

SS3 - Housing
EN4 – Design
EN8 – Protecting and Enhancing the historic environment

Relevant NPPF Sections/Paragraphs:

N/a

Learning Points/Actions:

N/a

Sources:

Sarah Ashurst – Development Management Manager