



NORTH
NORFOLK
DISTRICT
COUNCIL

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

19 March 2019

A meeting of the **Development Committee** will be held in the **Council Chamber** at the Council Offices, Holt Road, Cromer on **Thursday 28 March 2019 at 9.30am.**

Coffee will be available for Members at 9.00am and 11.00am when there will be a short break in the meeting. A break of at least 30 minutes will be taken at 1.00pm if the meeting is still in session.

Any site inspections will take place on **Thursday 18 April 2019.**

PUBLIC SPEAKING – TELEPHONE REGISTRATION REQUIRED

Members of the public who wish to speak on applications are required to register by **9 am on Tuesday 26 March 2019** by telephoning **Customer Services on 01263 516150**. Please read the information on the procedure for public speaking on our website [here](#) or request a copy of "Have Your Say" from Customer Services.

Anyone may take photographs, film or audio-record the proceedings and report on the meeting. You must inform the Chairman if you wish to do so and must not disrupt the meeting. If you are a member of the public and you wish to speak, please be aware that you may be filmed or photographed.

Emma Denny
Democratic Services Manager

To: Mrs S Arnold, Mrs A Claussen-Reynolds, Mrs A Fitch-Tillett, Mrs A Green, Mrs P Grove-Jones, Mr B Hannah, Mr N Lloyd, Mrs B McGoun, Mr N Pearce, Ms M Prior, Mr R Reynolds, Mr R Shepherd, Mr B Smith, Mrs V Uprichard

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

All other Members of the Council for information.

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



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

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

Heads of Paid Service: Nick Baker and Steve Blatch

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 28 February 2019.
4. ITEMS OF URGENT BUSINESS (to be taken under items 8 or 10 below)
 - (a) To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.
 - (b) To consider any objections received to applications which the Head of Planning was authorised to determine at a previous meeting.
5. ORDER OF BUSINESS
 - (a) To consider any requests to defer determination of an application included in this agenda, so as to save any unnecessary waiting by members of the public attending for such applications.
 - (b) To determine the order of business for the meeting.
6. DECLARATIONS OF INTEREST

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest.
7. OFFICERS' REPORT

ITEMS FOR DECISION

PLANNING APPLICATIONS

- (1) **NORTHREPPS - PF/18/1789 - Continued use of land as airfield on a permanent basis. Variation of condition 2 (aerobatic operations) of planning permission PF/11/0232 to state: There shall be no aircraft movements to or from the site by aircraft to be used for/within: Parachute operations; flying displays with aerobatics (except for the purposes of re-fuelling before or following a flying display) or; aerobatics training. No form of flying display organisation or aerobatics training school shall be located at or operated from the site. Banner**

towing shall be limited to six occasions during the year, and there shall be no more than two public displays or open days at the site annually. [Reconsultation: Further amended description of development]; Northrepps Aerodrome, North Walsham Road, Northrepps, Cromer, NR27 9LF for Mr Gurney Page 5
(Appendix 1 – page 51)

- (2) **BINHAM - PF/18/1524** - Proposed conversion of an agricultural barn to a dwelling; Westgate Barn, Warham Road, Binham, Fakenham, NR21 0DQ for Mr & Mrs Bruce Page 22
- (3) **BLAKENEY - PF/18/2321** - Erection of summer house with roof terrace and raising height of existing garden walls; North Granary, The Quay, Blakeney, Holt, NR25 7NF for Mr & Mrs Palmer Page 27
- (4) **HANWORTH - PF/18/2286** - Demolition of pair of semi-detached dwellings and erection of detached two-storey dwelling, double garage and summerhouse; 24 The Common, Hanworth, Norwich, NR11 7HP for Mr M & Mrs Fowler Page 32
- (5) **RUNTON - PF/18/2285** - Change of use of ground floor A1 (Retail) and A3 (Tea room) to C3 (Residential) and the subdivision of 17 and 19 High Street to create one 1-bedroom flat and one 3-bedroom flat (no:17) and one 3-bedroom house (no:19); East Runton Newsagents, 17-19 High Street, East Runton, Cromer, NR27 9AB for RW & TW Properties Limited Page 37
- (6) **SCULTHORPE - PF/18/1807** - Erection of single storey log cabin for use as annexe accommodation; Land Ancillary to Roshpinna, Fakenham Road, Sculthorpe, Fakenham, NR21 9NE for Mr Haller Page 43
- (7) **APPLICATIONS RECOMMENDED FOR A SITE INSPECTION** Page 48
- (8) **NEW APPEALS** Page 48
- (9) **INQUIRIES AND HEARINGS - PROGRESS** Page 48
- (10) **WRITTEN REPRESENTATIONS APPEALS - IN HAND** Page 49
- (11) **APPEAL DECISIONS – RESULTS AND SUMMARIES** Page 49
(Appendix 2 – page 54)
- (12) **COURT CASES – PROGRESS AND RESULTS** Page 50
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 paragraph ___ of 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 - 28 MARCH 2019**

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

PUBLIC BUSINESS - ITEM FOR DECISION

PLANNING APPLICATIONS

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

- (1) **NORTHREPPS - PF/18/1789** - Continued use of land as airfield on a permanent basis. Variation of condition 2 (aerobatic operations) of planning permission PF/11/0232 to state: There shall be no aircraft movements to or from the site by aircraft to be used for/within: Parachute operations; flying displays with aerobatics (except for the purposes of re-fuelling before or following a flying display) or; aerobatics training. No form of flying display organisation or aerobatics training school shall be located at or operated from the site. Banner towing shall be limited to six occasions during the year, and there shall be no more than two public displays or open days at the site annually. [Reconsultation: Further amended description of development]; Northrepps Aerodrome, North Walsham Road, Northrepps, Cromer, NR27 9LF for Mr Gurney

Major Development

- Target Date: 28 March 2019

- Extension of time agreed until 30 April 2019

Case Officer: Mr James Mann

Full Planning Permission

RELEVANT CONSTRAINTS

Public Right of Way

EA Risk of Flooding from Surface Water 1 in 30

EA Risk of Flooding from Surface Water 1 in 100

EA Risk of Flooding from Surface Water 1 in 1000

SFRA - Risk of Flooding from Surface Water + CC

MOD Safeguarding

A Road

Access onto a Principal Route

Area of Outstanding Natural Beauty

Within defined Countryside area

Within defined Tourism Asset Zone

Listed Building Grade II – Adjacent to the site

National Air Traffic Service – Consultation Area

RELEVANT PLANNING HISTORY for Northrepps Aerodrome, North Walsham Road,

PLA/20081434

WINSPURS FARM, NORTH WALSHAM ROAD, NORTHREPPS

CHANGE OF USE OF LAND TO AERODROME

Approved 07/01/2009 - Temporary Planning Permission for 12 months

PF/09/1082

Northrepps Aerodrome, North Walsham Road, Northrepps, Cromer, NR27 9LF
Removal of Conditions 1 and 3 of Planning Permission ref: 20081434 and Variation of Conditions 4, 5 and 8 to Continue Use of Land as Aerodrome with an Increase in Aircraft Movement from 1780 to 2100 per Annum and to Permit Take-off and Landing at Any Time in an Emergency and Limited Banner Towing.

Approved 14/05/2010 - Temporary Planning Permission for 12 months

PF/11/0232

Land at Winspurs Farm, Northrepps, Cromer
Continued use of land as airfield on a permanent basis
Approved 18/11/2011

THE SITE AND ITS SURROUNDINGS

The site is situated to the east of the A149 between Thorpe Market to the south and the junction with the A140 to the north. The Cromer to Norwich railway line runs along the north eastern boundary of the site. The entrance to the site is directly off the A149 via an access that runs between former agricultural buildings and an open field.

The site itself comprises a number of buildings and hangers associated with the airfield, parking and two grass airstrips. The larger runway runs east to west (approximately 670m) and the smaller of the two runs south to north (385m). This is set back from the A149 by a series of former agricultural buildings and an open field.

THE APPLICATION

Background:

Temporary planning permission was granted in January 2009 for 12 months under reference 08/1434 for the change of use of agricultural land to an aerodrome on land at Winspurs Farm.

In May 2010 a further temporary permission until 31 May 2011 was granted under the planning reference 09/1082 to remove and vary a number of conditions imposed on the earlier planning permission

In November 2011 planning permission (PF/11/0232) was granted making the use of the site permanent and imposed the following conditions relating to aircraft activity:

- 1 No repetitive circuits shall be flown from and around the airfield other than in accordance with the following:
 - a) No more than one aircraft shall fly circuits from the airfield at any one time.
 - b) No more than four hours of circuit flying shall take place during any one day.
 - c) Circuit flying shall only take place in accordance with the agreed circuits (plans submitted 27th March 2009 - copy attached to this notice). Clear instructions relating to these circuits shall be displayed at all times in a prominent location at the airfield.
 - d) There shall be no circuit flying from the airfield on Sundays or Bank Holidays nor before 7.30 am or after 7.00pm on any other day.

[A copy of the Circuit Flying Route Plan is provided for information within **Appendix 1**]

- 2 There shall be no aircraft movements to or from the site for the purpose of parachute operations, aerobatic displays or aerobatics training. Banner towing shall be limited to

six occasions during the year, and there shall be no more than two public displays or open days at the site annually.

4 There shall be no more than a total of 2100 aircraft movements (one movement being either a take off or a landing) per year and no more than 800 movements during the months of June, July and August. There shall be no take-offs or landings outside the hours of 7.30am to 8.00pm except in the case of emergencies, and the airfield shall be closed for one day in every week except in the case of emergencies.

6 A written log of all flying from the site shall be maintained and held at the airfield at all times. The log shall be made available to the Local Planning Authority for inspection on request. The log shall include details of the following:

- the registration number of each aircraft;
- time of take-off;
- time of landing;
- the runway used and the direction of take-off/landing;
- whether tuition was offered and, in the case of circuit flying,
- the number of circuits flown.

7 The use hereby permitted shall be carried out in full accordance with the mitigation measures identified in the "Appropriate Assessment" report (Wild Frontier Ecology - 11th March 2010), paragraphs 6.2 to 6.8 inclusive.

A copy of the restricted flying zones at European Sites is provided for information within **Appendix 1]**

This current proposal

This application Fly is made under Section 73 of the Town and Country Planning Act 1990 (as amended) to seek to vary the requirements of Condition 2 of the extant planning permission, PF/11/0232. The current wording of condition 2 is as follows:

"There shall be no aircraft movements to or from the site for the purpose of parachute operations, aerobatic displays or aerobatics training. Banner towing shall be limited to six occasions during the year, and there shall be no more than two public displays or open days at the site annually."

The current wording of this condition restricts all movements to and from the site for the purposes of aerobatic displays, parachute operations and aerobatics training whilst also limiting the amount of public displays and the frequency of banner towing.

The current wording prevents aircraft landing at- or taking off from- the site for the purposes of refuelling and other preparations before, during or after any parachute operations, aerobatics displays or aerobatics training. The condition does not prevent independent or 'private' aerobatics manoeuvres. The condition does not attempt to determine when a flight activity becomes 'aerobatic' or when private flights might be considered a 'display' to viewers either within, or outside, the airfield site.

The amendments to Condition 2 are proposed in order to permit aircraft movements to and from the site for the purpose of aerobatic operations which are not operated from, or hosted at, the site. For example, the applicant wishes to allow the Cromer Carnival display team to refuel, or staff to arrive by helicopter, without being in breach of the existing condition; the applicant has confirmed there is no intention to hold aerobatic flying display events at the site

itself. The applicant also seeks to introduce further clarity to the definitions of the condition wording to ensure that there are no potential misunderstandings in the future.

Case law has established that any approval granted to an application made under Section 73 of the Town and Country Planning Act 1990 (as amended), in fact has the effect of granting a new planning permission for the site altogether. As such, the Local Planning Authority must consider the appropriateness of retaining and re-imposing existing conditions and must take into account the material considerations and any relevant planning policy changes which have taken place since the extant planning permission was issued.

REASONS FOR REFERRAL TO COMMITTEE

At the request of the Local Member Cllr Fitch-Tillett and the Head of Planning due to the objections and issues raised by nearby Parish/Town Councils.

REPRESENTATIONS

The description of the proposed amended version of Condition 2 has been revised a number of times, and has been subject to public consultation on each occasion.

At the point of writing this report, a total of 9 representations have been made during the three consultation periods. 6 of these representations are in objection to the application and 3 are in support of the application. The main issues in regard to the objection raise the following concerns:

Privacy and Noise

It is raised that there have been a number of low flying planes passing over properties in the area and that this has an impact upon the privacy of the occupants and the ability of occupants to enjoy the tranquillity of their gardens.

Aerobatics

Concerns have been raised that there are increased incidences whereby aerobatics manoeuvres are taking place. There have also been concerns raised that these aerobatics manoeuvres cannot be controlled by the applicant and therefore should not be permitted.

Number of flights

It has been raised that over the years the number of flights has increased and that this is now becoming a disturbing factor.

Climate Change

Concern raised over the carbon emissions from aircraft and that further consideration should be given to the environment.

CONSULTATIONS

Public consultation has taken place on three separate occasions in order to reflect the various changes proposed to Condition 2. On each occasion the Town and Parish Councils and consultees have been invited to comment.

Town and Parish Councils

Cromer Town Council - Support

Northrepps Parish Council – No Objection

Overstrand Parish Council – No Comment

Southrepps Parish Council - Objection

Suggest that a temporary three-year period be placed onto any permission in order to ensure that the applicant is mindful of their planning responsibilities and to ensure these are adhered to and that they are accountable to the Planning Authority.

Thorpe Market Parish Council – Objection

Raises concerns over the noise nuisance that this causes to local residents. Reference to Southrepps Parish Council's suggestion that a time limit is placed upon any permission, restricting the use for a period of between 2-5 years with a review during this period.

Hanworth Parish Council – Objection

Concerned that any proposal could be for high activity spinning, rolling and diving. It will bring aircraft over Hanworth and Gunton Airfield and it will have an impact upon the SSSI and will disturb the birds.

Roughton Parish Council – No comments received

Sidestrand Parish Council – No comments received

Sheringham Town Council – No comments received

Statutory and Technical Consultees

County Council (Highway) – No Objection

The Highway authority responded to the original consultation to state that there were no grounds for objection to the proposal. Condition 5 (relating to access visibility splays) of the previous permission should be carried forward.

County Council (Public Rights of Way) – No Objection

Has no objection in principle but would highlight that a Public Right of Way known as Northrepps Footpath 15 is aligned along the South-Eastern boundary of the site. The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.

Natural England – No Objection

Natural England's initial screening shows that one or more SSSIs would be affected by the proposed development indicating that impacts on SSSIs are likely and may be significant. It is the responsibility of the Local Authority, as the decision maker, to ensure sufficient information is provided with the application to be able to assess the impacts likely to arise and ensure that any mitigation measures that may be necessary will be put in place.

Norfolk Coast Partnership – No Objection

Raise no objections in terms of impact to the AONB. Recommend that a response from Natural England would be useful to ascertain the impact upon local designated sites and for them to check the Appropriate Assessment.

Environmental Protection Officer – No Objection

I have noted the document produced by Senior Planning Officer, James Mann, dated 15th March 2019 which summarises the history, current permissions and describes the proposed changes requested by the applicant and further specifies the wording to clarify these activities.

Environmental Protection has been involved in several meetings involving the applicants and members from the Planning Service. Therefore, Environmental Protection has provided feedback and has been consulted at various stages throughout the consultation process.

Environmental Protection does not have any objection to the proposed amendments to the existing permission as described in the aforementioned report. The overall number of aircraft movements permitted will remain the same and the physical limitations of the airfield preclude the landing and take-off of the heavier and noisier types of aircraft. The customer trend towards the use of lighter aircraft is unlikely to contribute a significantly greater level of disturbance or annoyance to local residents or businesses above the findings of the 2008 Noise Assessment.

If however, the applicant wishes to alter the physical characteristics of the airfield and runway, or make further changes, Environmental Protection would wish to be consulted at the earliest opportunity.

Landscape and Ecology Officer – No Objection

Discussions were held with Landscape and Ecology Colleagues on the 14 February 2019. The main focus of this discussion was regarding the potential impacts of the proposal upon European Sites.

The Council has a duty to consider Likely Significant Effects when carrying out its functions as a planning authority including granting permission for a variation of condition.

Condition 7 sets out a requirement to accord with the mitigation measures as set out in paragraphs 6.2 and 6.8 (inclusive) of the Appropriate Assessment report compiled by Wild Frontier Ecology (March 2010). This Variation of Condition Application does not seek to alter Condition 7.

If it can be demonstrated that Condition 7 is being adhered to, it is considered that there would be no Likely Significant Effects upon European Sites.

National Air Traffic Services – No Objection

NATS has examined the proposed development from a technical safeguarding perspective and considers it does not conflict with NATS safeguarding criteria. As such, NATS, raises no safeguarding objection to the proposal.

Norwich Airport - Safeguarding Co-Ordinator – No Objection

Provided the development is proposed as shown on the drawings and plans Norwich Airport would offer no aerodrome safeguarding objections to the application.

Economic and Tourism Development Manager – No comments received

Norfolk Wildlife Trust – No comments received

The Wash & North Norfolk Marine Partnership – No comments received

Defence Infrastructure Organisation (MOD) – No comments received

Network Rail – No comments received

Civil Aviation Authority – No comments received

HUMAN RIGHTS IMPLICATIONS

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

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

RELEVANT POLICIES

North Norfolk Core Strategy Policies:

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS 2: Development in the Countryside

Policy SS 4: Environment

Policy EN 1: Norfolk Coast Area of Outstanding Natural Beauty and the Broads

Policy EN 2: Protection and Enhancement of Landscape and Settlement Character

Policy EN 4: Design

Policy EN 9: Biodiversity and Geology

Policy EN 13: Pollution and Hazard Prevention and Minimisation

Policy CT 5: Transport Impact of New Development

Other Material Considerations:

National Planning Policy Framework (NPPF) (2019):

Chapter 6: Building a strong, competitive economy

Chapter 15: Conserving and enhancing the natural environment

Chapter 16: Conserving and enhancing the historic environment

North Norfolk Landscape Character Assessment (2018)

MAIN ISSUES FOR CONSIDERATION

1. Principle of development
2. Impact on Amenity through Noise and Disturbance
3. Impact on the landscape and the tranquillity of the Area of Outstanding Natural Beauty

4. Ecology
5. Highways
6. Other Considerations – including the rural economy, heritage and flood risk
7. Conclusion

APPRAISAL

Principle of development:

The principle of permanent airfield use was established through the extant permission (PF/11/0232). However, it was considered acceptable only if operated under certain restrictions and flight activity limitations. Following the grant of the decision in 2011, the National Planning Policy Framework (NPPF) was published in 2012 and, subsequently, updated in 2018 and again in 2019.

The site is situated within an area designated as Countryside through Core Strategy Policy SS 1. Policy SS 2 is permissive towards development in the Countryside which require a rural location and which are for one of a list of specified purposes within the policy. An airfield use of this type requires a rural location by its nature and falls within the recreation and tourism classification of Policy SS 2. Policy SS 1 and SS 2 are considered to be in conformity with the NPPF.

The conditions attached to the extant planning permission were considered necessary to ensure that the planning permission was acceptable and it should be noted that this application only seeks to amend Condition 2 and does not seek to alter any of the other conditions attached to the extant planning permission. The Local Planning Authority must ensure their use continues to satisfy the test for applying conditions to a planning permission, as set out within the NPPF

The proposed operative wording of Condition 2 is as follows:

There shall be no aircraft movements to or from the site by aircraft to be used for/within:

- *parachute operations;*
- *flying displays with aerobatics (except for the purposes of re-fuelling before or following a flying display); or,*
- *aerobatics training.*

No form of flying display organisation or aerobatics training school shall be located at or operated from the site.

Banner towing shall be limited to six occasions during the year, and there shall be no more than two public displays or open days at the site annually.

These requirements are clarified through a list of definitions included in the condition.

The changes proposed to Condition 2 have the effect of widening the scope of operations not currently permitted through the extant 2011 planning permission to allow flights related to both aerobatic and non-aerobatic flying displays to take off and land before or after a flying display in order to refuel.

This may result in an alteration in the types of aircraft that make up the number of flights that take off and land at the site. However, this is not considered to be a substantial change given that the overall number of aircraft movements would still be limited to 2100 per annum and

800 at peak seasons through Condition 4. Furthermore, the nature of the grass runways is such that it would not be possible for heavier aircraft to take off and land at the site. Therefore, the potential impact of the proposed change is mitigated by existing conditions and the nature of the site itself. Any proposed change to the runway in terms of extension or a change of material or any change to the number of flight movements would require a further planning application.

In addition to these restrictions Condition 2 includes the wording that '*no form of flying display organisation or aerobatics training school shall be located at or operated from the site*'. This provides further certainty that the intention of the applicant is not to increase the amount of flying displays or aerobatics from the site. In addition to this, a number of definitions have also been agreed with the applicant to provide additional clarity and to ensure that there can be no misunderstandings as to the intention of the proposed wording.

In all other regards Condition 2 continues to restrict aircraft movements to and from the site for the use of parachute operations and aerobatics training and continues to limit the number of banner towing occasions and public displays and open days.

The principle of the establishment of a permanent airfield was established through extant planning permission. The proposal seeks the variation of Condition 2, which is not considered to alter the fundamental principle of development and is considered to be in accordance with Policies SS 1 and SS 2 of the Core Strategy.

1. Impact on Amenity through Noise and Disturbance

It is noted that through the consultation period a number of responses have raised the issue of the impact of noise upon neighbouring properties. It is important to consider that the extant planning permission is subject to a number of planning conditions that seek, specifically, to ensure that the potential impact of noise upon nearby residents is mitigated against.

The conditions that seek to address any impacts upon local amenity are as follows:

- Condition 1 seeks to ensure that circuits are restricted in terms of the times that these can be undertaken, the route that can be used and the amount of circuits that can be flown.
- Condition 2 sought to restrict aerobatics displays and aerobatics training. This variation of condition seeks to amend this slightly, but would still not allow for aerobatics training or aerobatics displays to be held at or to take off and land at the site, except for the purposes of refuelling.
- Condition 4 limits the amount of flights that can take off and land at the airfield and the times in which these can occur.
- Condition 6 ensures that a detailed flight log is maintained and is made available to the Local Planning Authority on request.

These conditions seek to limit the amount of noise and nuisance that may be caused to nearby properties as a result of the airfield. The Local Planning Authority has a duty to ensure that these conditions are being complied with. It is noted that Environmental Health colleagues have received complaints regarding low flying aircraft and individual aircraft performing aerobatics manoeuvres. Where an individual pilot performs an aerobatic manoeuvre or flies low these acts are not specifically defined within any of the existing planning conditions.

Planning and Enforcement Officers consider that the current conditions are being adhered to and complaints of this kind have been directed towards the Civil Aviation Authority. In order to try and address complaints of this kind arising in the future, a number of definitions to Condition 2 have been agreed between Planning Officers and the applicant. If these are imposed as recommended, it should ensure that the intention of the proposed wording of Condition 2 is clear for members of the public, the applicant and the Local Planning Authority.

The previous and extant planning permissions were supported by an Assessment of Noise Impact report (undertaken in 2008), however no additional assessment of noise has been submitted as part of this planning application. In order to overcome this lack of additional evidence it is important to determine whether or not there has been a substantial change in the number of flights and the type of aircraft that take off and land at the site since the permission was granted.

The 2008 Assessment of Noise Impact sought to determine the impact of noise arising from aircraft taking off and land at the site. The study established the baseline noise conditions on Wednesday 17 April 2008 stating that the main noise source in the area is road traffic, notably from the A140 Norwich to Cromer Road and the A149 Great Yarmouth to Cromer Road.

The study applied the Integrated Noise Mode (INM), which was developed by the United States Federal Aviation Authority to predict noise from the proposed flying activities. The INM had been the standard tool since 1978 for determining the predicted noise impact in the vicinity of aerodromes; however, this was replaced in 2015 by the Aviation Environmental Design Tool. Notwithstanding this, the INM sought to assess the noise characteristics of aircraft using data inputs specific to the airfield such as runway configurations, flight tracks and types and numbers of aircraft flying.

The INM analysis was based on the Northrepps airfield's 2007 flight record, which was partly operated from the existing site and partly operated from a previous adjoining airstrip. Aircraft noise was assessed as an average over a three-month summer period from 16 June to 15 September 2007, representing what would be the period where most flights occur.

The study concludes that the predicted noise levels are well below the levels at which noise from general aviation starts to become a factor in determining annoyance; in order for the noise levels to reach this benchmark it was considered at the time that the number of flight movements would have to increase to around 13,000 per year. The study does, however, set out that the levels of noise could increase were the proportion of heavier and larger aircraft landing or taking off from the site to increase, but it also states that given the nature of the facilities at the site the aerodrome is unlikely to attract a mix of aircraft types materially different from those that visited in 2007.

In order to determine the relevance of the impact of noise, a detailed analysis of the first six months of the 2018 Flight Log has been submitted by the applicant. A comparison has been undertaken between the types of aircraft taking off and landing at the site in 2007, used as the foundation of the Assessment of Noise Impact Study (2008), and the first six months of the 2018 Flight Log.

The 2008 Assessment of Noise Impact study analysed trips from the airfield in 2007 and set out that 88% of trips were from Piper J3/Cherokee aircraft, which have a In addition to the above, it is important to note that the conditions applied to the extant planning permission are proposed to be carried forward. The conditions provide limitations on the number of overall flights from the site (Condition 4) and the way in which circuit training is performed (Condition 1). These conditions are in part monitored through Condition 6 which ensures that a flight log is maintained at all times and made available to the Council.

Condition 1 limits the amount of repetitive circuits that aircraft can fly around the site. This is limited to 4 hours a day, restricted to between 7:30am and 7:00pm and is limited to one aircraft at a time. This is set out clearly in Section 10 of the Northrepps Aerodrome Flying Order Book 2018, which must be read and signed by all Club pilots when they first join and at the beginning of each subsequent calendar year. The circuits are also mapped and displayed on the windows of the Air Traffic Control Building. Condition 6 appears to be being adhered to in that the Airfield ensures that the number of circuits flown for individual flights is recorded within the Flight Log Book.

Condition 4 limits operations to a total of 2100 aircraft movements (one movement being either a take-off or a landing) per year. The applicant has provided information regarding the number of flight movements to and from the site taken from the Flight Log Book for the years 2014-2018:

2014: 1895 flight movements
2015: 1780 flight movements
2016: 2023 flight movements
2017: 1950 flight movements
2018: 2113 flight movements

2. Impact on the landscape and the tranquillity of the Area of Outstanding Natural Beauty

The site is situated within the open countryside of North Norfolk and is also within the Area of Outstanding Natural Beauty (AONB). Through the determination of the extant planning permission, it was considered that there would be no unacceptable impacts on the AONB nor the wider landscape. Following the grant of the extant planning permission there have been two significant changes in regard to these issues. The first is that the Landscape Character Assessment of 2009 has been updated in 2018 and will replace the 2009 LCA once adopted as a Supplementary Planning Document in mid-2019. The second is that the National Planning Policy Framework (NPPF) was published in 2012, with the most recent version being published in 2019.

In regard to the NPPF, Section 15 'Conserving and enhancing the natural environment' gives great weight to conserving and enhancing landscape the natural environment. Paragraph 172 of Section 15 sets out that great weight should be attributed to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. Notwithstanding that the NPPF was published after the Core Strategy was adopted, Policies EN 1 and EN 2 are considered to be in conformity with the NPPF.

The changes proposed to Condition 2 have the effect of widening the scope of operations not currently permitted through the extant 2011 planning permission to allow flights related to both aerobatic and non-aerobatic flying displays to take off and land before or after a flying display in order to refuel. As such a number of consultation responses have raised concerns regarding the impact of the scheme upon the tranquillity of the AONB.

The previous and extant planning permissions benefitted from a 2008 Environmental Statement being submitted as part of the planning application. However, for the purposes of this Variation of Condition application, an Environmental Impact Assessment (EIA) Screening Opinion undertaken by the Council considered that a new Environmental Statement was not required because the changes proposed within the amended condition 2 are not considered to be of a scale that merits full consideration under the Environmental Impact Assessment regulations. It is considered by Officers that the Environmental Statement (2008), submitted

to support the previous and extant planning permissions, provided appropriate contextual information and background knowledge to assess the impact of this development in terms of both Landscape and Visual Impact and Noise.

The Environmental Statement (2008) sets out that the proposal to develop the site would have a minimal impact on the landscape of the area. It was considered that the hedgerows provide natural screening to the site and the retention of these remains a requirement through Condition 3 of the extant planning permission. The study concluded that the proposal '*should not cause any significant or enduring harm to the landscape character or integrity of the AONB*'.

In terms of landscape, the extant permission was assessed against the 2009 Landscape Character Assessment. However, following the grant of the extant permission, the Council have commissioned a new Landscape Character Assessment (LCA) and the findings of this study should also be taken into consideration as it represents the most up to date available evidence.

The 2009 LCA identified the site as being situated within Tributary Farmland character area (TF4). This character area recognises the open landscape of the area that has been eroded over time, primarily by farming practices. The study defines the area as having a Fair to Moderate character strength. The 2018 LCA identifies the site as being within the Tributary Farmland character area and this assessment places more value and emphasis upon the strong rural character with a sense of remoteness and tranquillity.

In spite of the greater emphasis upon the rural character and tranquillity, it is considered that the variation of Condition 2 would not have an impact upon the landscape. In terms of the site itself the proposal is still well screened by the hedgerows and this is still required through Condition 3. Therefore, it is considered that the continued use and slightly varied nature of activities taking place from the site itself would not have an impact upon the landscape character of the area.

In terms of the tranquillity of the AONB, it has already been considered that the Variation of Condition 2 is not likely to result in an increase in noise concerns (Section 2). This is re-iterated through the Environmental Statement (2008) with regard to the environmental impact upon the AONB. The study has regard to the findings of the Noise Impact Assessment (2008), and concludes that in order to ensure the quiet enjoyment of the AONB, the number of flights to and from the site should be limited which has resulted in the imposition of conditions around the number of trips (limited to 2100 under Condition 4) and limited number of banner towing movements, to ensure there would be no significant negative impact or detriment to the AONB or its setting.

It is noted that no objections to this application have been received from North Norfolk District Council Landscape Officers, Natural England or the Norfolk Coast Partnership in relation to the potential impact upon the AONB and the wider landscape.

This Variation of Condition Application does not seek to alter either the amount of trips to and from the site, which is restricted through Condition 4 to 2,100 trips per annum, nor alter the amount of banner towing movements, which is to be retained at a maximum of 6 per annum within the revised Condition 2. Therefore, it is not considered that this Variation of Condition application will have an impact upon the landscape or materially increase the effect that the proposal would have on the special qualities of the AONB and is considered to be in accordance with Policies SS 4, EN 1 and EN 2.

3. Ecology:

The Local Planning Authority is a 'competent authority' as defined by The Conservation of Habitats and Species Regulations 2017. These regulations stipulate that a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which –

*(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
(b) is not directly connected with or necessary to the management of that site,*

must make an appropriate assessment of the implication of the plan or project for that site in view of that site's conservation objectives.

An Appropriate Assessment was produced by Wild Frontier Ecology to support the extant planning permission, which examined the possible impacts on protected bird habitats and set out a number of mitigation measures. Natural England, as the statutory consultee under the Habitats Regulations, stated that, subject to the application of the mitigation measures, the application would not be likely to have a significant effect on the important interest features of the North Norfolk Coast Special Protection Area/Ramsar, The Wash and North Norfolk Coast Special Area or Conservation or any of the features of special scientific interest of the North Norfolk Coast Site of Specific Scientific Interest (SSSI).

North Norfolk District Council, as the competent authority, considered that the extant permission would not have any likely significant effect upon any European Sites, subject to the mitigation measures being conditioned through the planning permission.

Condition 7 of the extant permission states that flight operations shall be carried out in accordance with the mitigation measures as set out within the Appropriate Assessment report (Wild Frontier Ecology- 11 March 2010), paragraphs 6.2 to 6.8 inclusive. This sets out that the following must be carried out:

- New maps and signage should be created which illustrate all of the areas covered by the SACs and SPAs, and gives particular reference to the locations of NNRs and Nature Reserves. This includes a 300m buffer for the low-tide shoreline.
- Text on the signage should read "*Civilian aircraft are restricted from flying below 1,000 feet (305 meters) within the European designated conservation areas indicated on the map*". This should be incorporated into the Northrepps Aerodrome Flying Order Book.
- A weatherproofed advice board (minimum 24" x 36") should be posted by the entrance to the airfield and facing toward the car park and site entrance. An A4 sized version of the notice should be displaced in close proximity to the log book in the Air Traffic Control Building.
- EMS Project Information Leaflets should be provided for interested pilots.

In line with Condition 7 of the extant planning permission, the applicant has recently taken measures to demonstrate that all of these mitigation measures are being adhered to. Posters can be seen at the site entrance and at the Air Traffic Control Building, which clearly display the SPAs, SACs and information regarding National Nature Reserves. The wording on the signage is taken verbatim from the Appropriate Assessment and is also displayed clearly. The applicant has provided information in regards to the EMS Projection Information Leaflets, stating that these are currently undergoing consultation and renewal, and intends that as soon as the updated leaflets are produced these will be delivered to the site and can then be provided to interested pilots.

No change is proposed to Condition 7 through this Variation of Condition Application and as the mitigation measures put forward as part of the Appropriate Assessment to support the extant permission are being adhered to, it is considered that the proposed change to Condition 2 would not have any Likely Significant Effect upon European Sites and is in accordance with Policies SS 4, EN 1 and EN 9 of the Core Strategy and the requirements of paragraph 177 of the NPPF.

- **Highways**

The proposed variation to Condition 2, whilst not increasing the number of aircraft movements to or from the site, may increase the number of vehicles visiting the site and this may have a potential impact upon the highway network.

Condition 5 of the extant permission, in regards to visibility and access, was required by the Highway Authority to ensure that the proposal was consistent with Policy CT 5 of the North Norfolk Core Strategy. The condition is worded as follows:

“The parallel visibility splay as approved under planning permission reference 09/1082 shall at all times be maintained free from any obstruction exceeding 0.6 m above the level of the adjacent highway carriageway.”

When undertaking a site visit on the 17 January 2019 and subsequently on the 4 March 2019, it could be seen that Condition 5 of the planning permission was being adhered to; the visibility splay has been provided and maintained.

The Highway Authority have commented on the Variation of Condition application and raise no concerns subject to Condition 5 of the extant planning permission being retained. In light of this, it is considered that the proposal is in accordance with Policy CT 5 of the Core Strategy.

4. Other Considerations

Rural economy:

The site is situated within a Coastal Tourism Asset Zone as defined within Policy EC 7. It is considered that the airfield makes a contribution towards the tourism and leisure activity in this part of the District. The condition as currently worded would limit flights from flying displays (such as the Cromer Carnival, for example) landing at the airfield for the purposes of refuelling before or after a display. The variation of Condition 2 would allow these trips to occur, which is considered to have a positive impact upon the airfield. This will, in turn, ensure that the site continues to make a valuable contribution towards the local economy.

Heritage:

The Grade listed barns at Winspurs Farm comprise of three barns from the late 17th to Early 18th Century, listed for their special architectural or historic interest. These are located to the south east of the airfield within a cluster of dwellings and existing hanger buildings that are not considered as part of this application.

It is considered that the proposed variation to Condition 2 would not have an impact upon the historic and architectural significance of the designated heritage assets. It is considered that this would still be in accordance with Policy EN 8 of the adopted North Norfolk Core Strategy and in conformity with Section 12 of the National Planning Policy Framework (NPPF).

Flood Risk & Drainage:

A development of this scale, greater than 1 hectare, would ordinarily require a Drainage Strategy and a Flood Risk Assessment. The majority of the site is situated within Flood Zone 1 with a small area of Flood Zone 2/3a encroaching upon the north west of the site. The site is also subject to small pockets of surface water flooding. The extant planning permission was granted in accordance with Policy EN 10 of Core Strategy without need for a further drainage mitigation strategy.

Whilst it is acknowledged that climate change will exacerbate these issues, it is considered that this Variation of Condition application will not alter the nature of the site; the site remains a green field, and will only create a very marginal increased risk from flooding to people using the site, and it is not considered proportionate or reasonable to require a drainage scheme or flood risk assessment for the purposes of this application. Therefore, it is considered that there is no need to require further sustainable drainage solutions as part of this application and that the proposal is acceptable notwithstanding the requirements of Policy EN 10.

5. Conclusion

The principle of the permanent use of the site as an airfield was established through the extant planning permission (PF/11/0232). This Variation of Condition application seeks to widen very slightly the scope of operations on the site to allow flights related to both aerobatic and non-aerobatic flying to displays to take off and land before or after a flying display in order to refuel. In making its decision the Planning Committee will have to exercise planning judgment in weighing the public benefits of the proposal against the potential identified harm and particularly whether there is enough information to support such a change.

The primary public benefit to this scheme would be to allow the airfield to continue to make a valuable contribution towards the rural economy, having a positive impact upon the long term vitality of the airfield itself.

However, the Planning Committee have to consider whether or not the proposal would result in an increase in noise upon nearby residents and the tranquillity of the Area of Outstanding Natural Beauty and the potential disturbance upon the European Designated sites. In coming to this decision, no additional up-to-date evidence has been submitted to support this Variation of Condition application and, therefore, the case is reliant upon supporting information submitted as part of the extant planning permissions. Primarily, the Appropriate Assessment, The Environment Statement and the Assessment of Noise Impact Study.

In regard to noise, the 2008 Assessment of Noise Impact Study suggested that in order for noise to become a disturbance there would need to be a total of 13,000 trips to and from the airfield. Condition 4 of the extant permission limits the amount of trips on the site to 2,100. The study also highlighted that the nature of the airfield itself, being a grass field, meant that heavier aircraft (aircraft that would, by their nature, produce more noise), are not going to utilise the site.

In order to ensure that the 2008 Assessment of Noise Impact Study findings could be applied to the scenario in 2018, an analysis of the first six months of the 2018 flight log was conducted by the applicant. This assessment illustrated that, in line with the 2008 Assessment of Noise Impact Study, no additional heavy aircraft were using the site and that the amount of flights from lighter aircraft had increased. Moreover, the lighter aircraft are predominantly fitted with silencers and hold noise certificates from the Civil Aviation Authority.

In regard to the potential impact upon the tranquillity of the AONB, the Environmental Statement, published in 2008 to support the previous planning permissions, sets out that the proposal would not have an impact upon the AONB in terms of landscape. The study also concludes that there would be no impact upon the AONB in terms of noise if flights were limited and, as previously stated Condition 4 limits the amount of trips to 2,100 per annum and a maximum of 800 during the summer peak, and so it is considered that there would be no environmental impact upon the AONB.

The proposed Variation of Condition would not alter the amount of trips or, fundamentally, the types of aircraft that are taking off and landing at the site. This is imposed both through Condition 4, which limits the overall amount of trips, and the nature of the airfield itself, which as a grass airstrip would not be suitable for heavier, noisier aircraft to take off and land. It is therefore considered that the proposal would not lead to a significant increase in noise either upon the tranquillity of the AONB or in terms of nuisance upon nearby properties.

In terms of the impact of the proposal upon European Sites, the Appropriate Assessment (2008) set out a number of mitigation measures in order to ensure there would be no Likely Significant Effect upon the European Sites. The applicant has complied with the mitigation measures set out within the Appropriate Assessment, conditioned through Condition 7. This condition is not proposed to change through this Variation of Condition application and it is therefore considered that the proposal would not have a Likely Significant Effect upon the European Sites.

It is therefore considered overall that based on the evidence previously submitted to support the extant planning permissions, the impact arising from the variation to Condition 2 would be mitigated against by the other conditions that are not proposed to change. Like the extant planning permission, the proposed variation of condition is considered to be in accordance with the Development Plan and so it is considered that the application should be approved. There are no material considerations that indicate the application should be determined otherwise.

RECOMMENDATION: APPROVAL

The development is considered to be in accordance with the requirements of the Development Plan. There are no material considerations that indicate the application should be determined otherwise. Approval is therefore recommended subject to conditions as set out below in addition to any others which may be considered necessary by the Head of Planning. These are summarised as follows:

- 1. Restrictions regarding repetitive circuits from and around the airfield – no change to Condition 1 of the extant planning permission (PF/11/0232).**
- 2. Restrictions on the types of trips that are permitted from the site – varied through this application to state:**

There shall be no aircraft movements to or from the site by aircraft to be used for/within:

- 6. parachute operations,*
 - *flying displays with aerobatics (except for the purposes of re-fuelling before or following a flying display) or*
 - *aerobatics training.*

No form of flying display organisation or aerobatics training school shall be located at or operated from the site.

Banner towing shall be limited to six occasions during the year, and there shall be no more than two public displays or open days at the site annually.

For the purposes of clarity North Norfolk District Council defines the terms of condition two as follows:

Parachute operations: *Any flights where the intention is to deploy or rehearse the deployment of a parachute from an aircraft which leaves and lands at the site, except in the case of emergencies.*

Flying Display: *Any flying activity deliberately performed for the purpose of providing an exhibition or entertainment at an event that has been advertised and is open either to the public or private individuals, organisations or events.*

Flying Display Organisation:

Aerobatics training school: *Any form of school, lesson or training program whereby a person is taught aerobatic manoeuvres.*

Aerobatic Manoeuvres: *Defined in line with Statutory Instrument 2016 no. 765 Civil Aviation Air Navigation Order (2016):*

*loops, spins, rolls, bunts, stall turns, inverted flying and any other similar manoeuvre intentionally performed by an aircraft involving—
(a) an abrupt change in its attitude;
(b) an abnormal attitude; or
(c) an abnormal variation in speed,*

not necessary for normal flight or for instruction for licences or ratings other than aerobatic rating”

Aerobatics training: *Teaching or instructing the flying of aerobatic manoeuvres in the air or instructing from the ground.*

Located at: *Permanent registered address related to the aerobatics display organisation or aerobatics training school.*

Operated from: *Permanent registered address related to the aerobatics display organisation or aerobatics training school.*

Banner Towing: *Banner towing is a form of aerial advertising whereby a long piece of cloth or other material is pulled behind a plane.*

Public Display: *A public display is considered to be defined as a flying display as per the Civil Aviation Authority’s terminology: “Any flying activity deliberately performed for the purpose of providing an exhibition or entertainment at an event that has been advertised and is open to the public”.*

Open Days: *Days in which the site is open to members of the public for the promotion of aviation.*

Hosted at: *Refer to the definitions of ‘Located at’ and ‘Operated from’ the site.*

3. Retention of hedges to the south-west boundary of the site - no change to Condition 3 of the extant planning permission (PF/11/0232).

4. Restriction limiting the number of aircraft movements to 2100 (one movement being either a take-off or a landing) per year and no more than 800 movements during the months of June, July and August. There shall be no take-offs or landings outside the hours of 7.30am to 8.00pm except in the case of emergencies, and the airfield shall be closed for one day in every week except in the case of emergencies– no change to Condition 4 of the extant planning permission (PF/11/0232).
 5. Ensure the visibility splay is not obstructed – no change to Condition 5 of the extant planning permission (PF/11/0232).
 6. Requirement to keep a written flying log of all flights to and from the site and this must be made available to the Local Planning Authority for inspection on request – no change to Condition 6 of the extant planning permission (PF/11/0232).
 - Requirement to accord with the mitigation measures as set out in paragraphs 6.2 to 6.8 (inclusive) of the Appropriate Assessment report (Wild Frontier Ecology – 11 March 2010) - no change to Condition 7 of the extant planning permission (PF/11/0232).
- (2) **BINHAM - PF/18/1524 - Proposed conversion of an agricultural barn to a dwelling; Westgate Barn, Warham Road, Binham, Fakenham, NR21 0DQ for Mr & Mrs Bruce**

Minor Development

- Target Date: 27 November 2018

Case Officer: Sarah Ashurst

Full Planning Permission

CONSTRAINTS

Countryside

Conservation Area

RELEVANT PLANNING HISTORY

PU/15/1249 PUA

Barn at Westgate Farm East, Warham Road, Binham, Norfolk

Prior notification of intention to convert agricultural building to a dwelling (C3)

Approval - Prior Approval Given 15/10/2015

PF/15/1748 PF

2 Westgate Barns, Warham Road, Binham, FAKENHAM, NR21 0DQ

Conversion of single storey agricultural barn to one dwelling - Approved 01/02/2016

PF/18/0921 PF

2 Westgate Barns, Warham Road, Binham, FAKENHAM, NR21 0DQ

Variation of condition 2 (approved plans) of planning permission PF/15/1748 to allow for changes to position of openings, internal walls and corrections to size and position of building

- Approved 12/07/2018

THE APPLICATION

Seeks permission to convert and extend a traditional single storey “U” shaped barn in order to create a three bedroom dwelling with detached double cart shed garage / store shed.

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

REASONS FOR REFERRAL TO COMMITTEE

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

PARISH/TOWN COUNCIL

Binham Parish Council - No response

REPRESENTATIONS

None received

CONSULTATIONS

Conservation and Design Officer – Objects - Due to the number of new window openings and the new build elements this latest conversion scheme would fail to respect the simple character and utilitarian appearance of the host building.

Environmental Health - No objection subject to the inclusion of an advisory note on any permission relating to contaminated land / asbestos.

Landscape Officer - no objection in principle subject to conditions securing mitigation measures to protect biodiversity and to secure landscaping.

County Council (Highway) - Cromer – No objection subject to the imposition of appropriate conditions.

HUMAN RIGHTS IMPLICATIONS

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

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

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS2: Development in the Countryside

Policy HO9: Conversion and re-use of rural buildings as dwellings

Policy EN 4: Design

Policy EN 8: Protecting and enhancing the historic environment

Policy CT 5: The transport impact on new development

Policy CT 6: Parking provision

Nation Planning Policy Framework (NPPF): 2018:

Section 5. Delivering a sufficient supply of homes

Section 12. Achieving well-designed places

Section 16. Conserving and enhancing the historic environment

MAIN ISSUES FOR CONSIDERATION

1. Principle of development

2. Design
3. Heritage
4. Amenity
5. Highways

APPRAISAL

The application was deferred at the meeting of Development Committee on the 17 January 2019 in order to allow Members to visit the site. In addition, revised plans have been submitted and the subject of re-consultation with consultees.

1. Principle of development

Policy SS 1 sets out the spatial strategy for North Norfolk and identifies main and service settlements where development of varying scales can take place. The remainder of the district, including settlements not listed in the policy, are designated as Countryside. This is the lowest tier of the settlement hierarchy and within the designated countryside area development is restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy. The types of development acceptable in principle in designated Countryside are listed under policy SS 2 and includes the re-use and adaptation of buildings for appropriate purposes.

This is expanded upon in policy HO9 which states that the conversion of buildings in the countryside to residential use will only be permitted where the building meets the specified criteria including, but not limited to:

- That the building is worthy of retention due to its appearance, historic, architectural or landscape value, and;
- That the building is structurally sound and suitable for conversion to a residential use without substantial rebuilding or extension and the alterations protect or enhance the character of the building and its setting, and;
- The scheme is of an appropriate scale in terms of the number of dwellings proposed for the location.

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

Prior notification of the intention to convert the barn to a dwelling was approved by the Local Planning Authority in October 2015 and this was followed by planning application PF/15/1748 to allow conversion of the barn to a dwelling, which was approved in February 2016. In 2018 a further application was received (PF/18/0921) seeking changes to the 2015 permission including the position of openings, internal walls and corrections to size and position of building. This was approved in July 2018 with a three year implementation period. As such there is a valid permission to convert the barn which could be implemented subject to the discharge of any pre commencement conditions.

The scheme approved in July 2018 was based on the original footprint of the building which has a floor area of some 167.2 sq. metres and involves the conversion of the barn to a three bedroom dwelling with lounge, dining room, separate kitchen and three bathrooms.

With regard to the three criteria of policy HO9 above, in respect of the first criteria, the NPPF is a material consideration, and it should be noted that the 'worthy of retention' test is no longer

applicable in National Policy. Clearly the first criteria of policy H09 is out of step with the NPPF and as such little weight should be given to this requirement. In any event, the building is considered to be of a traditional agricultural character and is considered worthy of retention.

Considering the third criteria, the scale of the development proposed is acceptable with only a single dwelling proposed.

Turning to the second criteria of policy HO9, in comparison to the permitted scheme, the scheme as proposed (revised from the previous report to Development Committee) and for consideration by Members, would involve infilling the open courtyard to the southern elevation, a new small extension to the north eastern corner, and a detached garage which combined would have a floor area of some 152.8 sq. metres making a total floor area of 320 sq. metres. Even if the proposed detached garage is excluded, there is a new floor area of just over 91sqm.

As a result, there would be a net increase in floor area of some 152.8 sq. metres, which represents approximately a 91% increase in the size of the building (54% excluding the detached garage), these proposals are considered excessive and contrary to the aims of policy HO9. Furthermore, as a result of the increased floorspace, the building's form, and general design, would not be considered to be in keeping with either the simple context of the existing building or its surroundings.

It is therefore considered as a matter of principle the proposals fail to accord with the requirements of policy SS2, and HO9 of the Core Strategy.

2. Design

As the present time the barn is a simple 'U' shaped form with walls primarily of horizontal timber boarding under a clay pantile roof. The only exception being the two south facing gables which are of a weathered concrete block construction.

The scheme as proposed would involve the infilling of the courtyard to the southern elevation with a predominantly flat roofed extension, which incorporates a large glazed lantern light serving the dining / sitting room, although noting the monopitched roof to the south elevation to reflect the roof form of the remaining barn. The extension connects the two south facing wings creating a kitchen, snug and hall. It is proposed that the gables to the outer wings would be reconstructed in facing brick (as would the southern wall of the flat roofed extension). In addition, a small extension is proposed projecting out in a northerly direction from the north eastern corner of the barn. This would contain a bathroom and plant room and would be again be clad in facing brick. The ridge and eaves height of the barn would be maintained on the northern extension.

The previous submitted scheme presented to Members back in January sought an attached garage to the northern extension, this is now proposed to be detached although it remains of the same scale and height as previously proposed (10.2 metres in length, with an eaves height of 2.8 metres and ridge of 5.8 metres).

It is still considered that due to its scale, massing and location the garage / store would be out of scale with the rest of the barn and would fail to preserve or enhance the setting of the existing building. Similarly, although only visible from surrounding countryside, the infilling of the open courtyard to the southern elevation would significantly alter the form, character and appearance of the original barn. In particular the reconstruction of the gables in brick together with the brickwork, new window openings and the glazed lantern would give this elevation an overtly domestic appearance.

The inherent loss of the simple agricultural character is further exacerbated with the choice of windows. As previously approved the scheme of conversion not only respected the character and appearance of the original barn but where glazing was required this was generally simple in form and utilised existing openings.

In comparison, the scheme as proposed utilises only a limited number of the original openings, with additional windows being liberally introduced. The design is considered not to retain the character and appearance of the building. Furthermore, some of the new windows as proposed still reflect a more domestic character than that of an agricultural barn. It is considered that the style, form and overall appearance of the windows is inappropriate for a building of this nature.

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

3. Heritage

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

Development Committee is required by Sections 66 (1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act 1990) to have special regard to the “desirability of preserving” the character and appearance of conservation areas. The means that the desirability of preserving the setting of and character and appearance of conservation areas is not merely a material consideration to which appropriate planning weight can be attached, but it is a legal obligation to have ‘special regard’ or pay ‘special attention’ to these matters. When a local authority finds that a proposed development would harm these matters, it must give that harm considerable importance and weight as a matter of law. There is effectively a statutory presumption against planning permission being granted where such harm arises. That presumption can, however, be outweighed by material considerations, including the public benefits of a proposal.

The alterations to the barn are not considered to result in “less than substantial harm” to the significance of the heritage asset of the Binham Conservation Area and as such the proposals are considered to comply with policy EN 8.

4. Amenity

Due to its location being set some 50 metres from the Warham Road it is not considered that the scheme as proposed would give rise to any amenity issues in respect of the neighbouring properties in terms of potential overlooking or loss of light. Therefore the proposals are considered to be acceptable against the requirements of policy EN 4.

5. Highways

The Highway Authority has indicated that the revised scheme does not raise any issues in terms of highway safety and the proposals are considered acceptable against policies CT5 and CT6 of the Core Strategy.

Conclusion

In summary:

- the scheme as proposed results in a net increase in floor area of some 152.8 sq. metres, which is considered excessive and contrary to the aims of policy HO9;
- The proposed conversion, due to its form and external appearance would fail to comply with the requirements of policy EN4 which promotes good design, and fails to respect the simple character and utilitarian appearance of the host building.
- There is an extant planning permission (reference PF/18/0921) which could still be implemented and is considered to be a viable and preferred fall-back position.

It is therefore considered that the application should be refused.

RECOMMENDATION:

Refuse planning permission on the following grounds:

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

Policy SS 1: Spatial Strategy for North Norfolk
Policy SS2: Development in the Countryside
Policy HO9: Conversion and Re-Use of Rural Buildings as Dwellings
Policy EN 4: Design

In the opinion of the Local Planning Authority the proposed conversion scheme, due to the extent of new build, would result in a significant increase in the scale and massing of host building which would which fail to protect or enhance the character and appearance of the building and its setting.

Furthermore, due to its form, general design and number and appearance of the new window openings, the proposed conversion scheme would fail to respect the simple character and utilitarian appearance of the host building.

The proposal is therefore contrary to the above Development Plan policies.

- (3) **BLAKENEY - PF/18/2321 - Erection of summer house with roof terrace and raising height of existing garden walls; North Granary, The Quay, Blakeney, Holt, NR25 7NF for Mr & Mrs Palmer**

- Target Date: 14 February 2019

Case Officer: Mrs L Starling

Householder application

CONSTRAINTS

SFRA - Flood Zone 3A

SFRA - Flood Zone 3B

SFRA - Flood Zone 2

(RAMSAR) Wetlands of International Importance

Public Right of Way

SFRA - Areas Susceptible to Groundwater Flooding

LDF Tourism Asset Zone

Conservation Area

LDF - Countryside

Specific Area of Conservation

Site of Special Scientific Interest
LDF - Settlement Boundary
Register of Common Land
Area of Outstanding Natural Beauty
Listed Building Grade II Star Consultation Area
Undeveloped Coast

RELEVANT PLANNING HISTORY

PF/18/2335 PF - Variation of conditions 2 (approved plans) 6 (details of balustrading) of planning permission PF 17/1905 to allow for change of balustrade material to a mix of glass and flint. - Approved 19/02/19

PF/18/1823 HOU - North Granary, The Quay, Blakeney, Holt, NR25 7NF - Proposed erection of outbuilding to include a roof terrace and increase existing garden wall height - Withdrawn by Applicant 28/11/2018

PF/18/1792 PF - North Granary, The Quay, Blakeney, Holt, NR25 7NF - Variation of conditions 2 (approved plans) 6 (details of balustrading) of planning permission PF 17/1905 to allow for change of balustrade material from glass to brick and flint. - Withdrawn by Applicant 28/11/2018

PF/18/1690 HOU - North Granary, The Quay, Blakeney, Holt, NR25 7NF - Erection of summerhouse and raise height of boundary wall - Withdrawn by Applicant 19/09/2018

CDB/17/1905 CD - North Granary, The Quay, Blakeney, Holt, NR25 7NF - Discharge of condition 5 (window details) of planning permission PF/17/1905 - Condition Discharge Reply 10/10/2018

CDA/17/1905 CD - North Granary, The Quay, Blakeney, Holt, NR25 7NF - Discharge of conditions 3 (bricks) and 4 (flintwork) of planning permission ref. no. PF/17/1905 - Condition Discharge Reply 31/07/2018

PF/17/1905 HOU - North Granary, The Quay, Blakeney, Holt, NR25 7NF - Part demolition of existing garage and outbuilding & erection of single storey and two storey side extensions, and enlargement of first floor side elevation bay window - Approved 26/04/2018

CDA/15/1737 CD - North Granary, The Quay, Blakeney, Holt, NR25 7NF - Details of external wall and copings, drawings 742/8B and 9 - Condition Discharge Reply sent 10/05/2016

PF/15/1737 HOU - North Granary, The Quay, Blakeney, Holt, NR25 7NF - Construction of flood defence wall and berm bank - Approved 04/02/2016

THE APPLICATION

This application seeks to erect a detached summer house/garden store building with external staircase and roof terrace (to replace an existing dilapidated structure constructed 15 to 20 years ago) within the south-west corner of the garden of the property. The scheme also proposes the raising in the height of sections of the existing garden walls and the recladding of a section of wall around the courtyard garden to varying degrees in order to protect the garden and summer house from strong winds and increase privacy. The new raised walls would have a flint cap detail to match the existing walls.

Four sections of the internal garden walls would be raised to the following maximum heights;

Section A-A by approximately 80cm

Section B-B by approximately 79cm

Section C-C by approximately 78cm

Section D-D swan neck section by approximately 1.9 metres to match the height of the rear wall to be retained with the lower section raised by 73cm

REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor K Ward due to concerns that it is difficult to assess the impact of the proposed increases in wall heights upon the Conservation Area without seeing the walls and requests a site visit to fully assess any impacts.

PARISH/TOWN COUNCIL

Blakeney Parish Council - Objection on the following grounds;

- Policy EN1 - Norfolk Coast Area of Outstanding Natural Beauty: We believe that this proposal would be significantly detrimental to the special qualities of the Norfolk Coast AONB, particularly given the vast increase in height of the garden wall. If permitted then this application would become rather dominant and adversely affect the relationship between the property and the Grade II* Listed, Red House, to which it historically served as a granary/store and was subservient. NNDC recently commissioned a Blakeney Conservation Area & Management Plan, which we would suggest is referred to.

REPRESENTATIONS

One letter of objection received, whose comments are as the following grounds;

- New proposal replacing that recently withdrawn application includes once again a series of deceptive plans and drawings submitted in an attempt to disguise and downplay the significance of the changes to many of the existing walls. The plans show measurements in millimetres which seeks to make the changes in height seem relatively minor - however a 1950mm increase is 1.95 metres!
- Whilst welcoming the resurfacing of some walls with flint, the increases in height of so many of the boundary walls to the grounds/garden and the erection of large garden room, with an additional seating terrace on top will make the property more dominant from very important viewpoints within the AONB, Blakeney Conservation Area and from many views from the National Trail which runs through the site and the surrounding Open Land.
- Changes will also adversely change the relationship between North Quay and the adjoining Grade II* Listed Red House, to which it historically served as a granary/store and was subservient.

CONSULTATIONS

Conservation and Design Officer - No objections subject to the imposition of conditions to ensure the new flintwork matches the existing and the hardwood staircase and balustrading be left to weather naturally.

HUMAN RIGHTS IMPLICATIONS

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

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

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

Policy SS2: Development in the Countryside

Policy SS 4: Environment

Policy HO 8: House extensions and replacement dwellings in the Countryside

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

Policy EN 2: Protection and enhancement of landscape and settlement character

Policy EN 3: Undeveloped Coast

Policy EN 4: Design

Policy EN 8: Protecting and enhancing the historic environment

Policy EN 9: Biodiversity and geology

Policy EN 10: Flood risk

Policy EN 13: Pollution and hazard prevention and minimisation

Policy CT 5: The transport impact on new development

Policy CT 6: Parking provision

National Planning Policy Framework

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

Section 16 - Conserving and enhancing the historic environment

MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design and heritage impacts
3. Amenity
4. Landscape, biodiversity and impact upon the AONB and other designated sites
5. Highways
6. Flooding

1. Principle

The site lies within an area designated as 'Countryside by policies SS1 and SS2, as well as being within an area of Undeveloped Coast and other landscape designations where the principle of extensions and alterations to a residential property are considered acceptable, subject to those schemes complying with a range of other policy criteria.

2. Design and heritage impacts

The property lies within or adjacent to a number of significant landscape, heritage and ecological designations including the Area of Outstanding Natural Beauty (AONB), Blakeney Conservation Area, as well as a SSSI. The designated Norfolk Coastal Path (public footpath)

runs between the garden walls of the property and the adjacent embankment, with the site also within close proximity to a Grade II* listed building known as Red House. The applicants property known as North Granary lies on the margins of the salt marshes at the western end of Blakeney and comprises of an 18th Century former barn which was converted to a dwelling in the 1950's. There have been a number of applications relating to changes to this property over the past few years.

Members will note that a similar application for the raising of sections of the garden walls and the replacement summer house/terrace structure was submitted in 2018 (ref: PF/18/1823) which was withdrawn following concerns about elements of the proposal and their potential impact upon the views of the Grade II* Listed Red House and the wider Conservation Area. This previous application sought to raise the section of walling D-D between 93cm and 2 metres with the other sections of garden walls (A-A, B-B and C-C) raised by 93cm and a larger and the more prominent viewing platform created. This was cumulatively considered to result in a disproportionately imposing and intrusive collection of structures which would be harmful to the setting of the listed entity and to the character and appearance of the wider Blakeney Conservation Area.

Following discussions, a revised scheme has been submitted which endeavours to address the concerns outlined above. It is now considered that the amendments made in this re-submission would ensure that the proposals would not harm the overall significance of the designated heritage assets including the Blakeney Conservation Area and the adjacent listed property. In reaching this conclusion, it is considered that the visual benefits resulting from the re-facing of the existing brick wall facing west and the various proposed wall height reductions across the scheme would collectively help to address the concerns relating to the impact of the enclosures. Conditions will be imposed regarding the flint work detailing and mortar mix and that the hardwood staircase and balustrading be left to weather naturally.

Due regard has been given to assessing this application in light of the emerging Blakeney Conservation Area Appraisal and Management Plan which has been out to public consultation. Whilst this document can only be given limited weight as it has yet to be formally adopted, it is noted that the document identifies North Granary as a property recommended to be given locally listed status and recognises its significance within the Conservation Area. Notwithstanding this, it is considered that this application remains in accordance with the aims of the emerging Blakeney Conservation Area Appraisal.

It is therefore considered that the revised scheme would be acceptable in design terms and would protect the appearance and character of the Blakeney Conservation Area in accordance with the requirements of Policies HO 8, EN2, EN4 and EN8 of the Core Strategy and Sections 12 and 16 of the NPPF.

3. Amenity

Whilst there are a number of residential properties within the vicinity of the site, the nature of the works proposed along with the positioning of the roof terrace, is such that it is not considered that the scheme would significantly impact upon the residential amenities of the occupants of any neighbouring properties by virtue of unacceptable loss of privacy, light or unreasonable disturbance. On this basis, the scheme would adequately protect residential amenity in accordance with Policy EN4 of the North Norfolk Core Strategy.

4. Landscape, biodiversity and impact upon AONB:

The site lies within a number of sensitive local and nationally designated sites including the AONB and SSSI. The original 2017 application was assessed by the Council's Landscape Officer who raised no objections on landscape or protected species grounds, subject to conditions requiring that the scheme is carried out in accordance with the then submitted Ecology Report. It is therefore considered that the nature of the amendments proposed would

raise no new landscape or biodiversity concerns, and that appropriate measures are to be undertaken to protect the special qualities of the AONB. As such the proposals are in compliance with Policies SS2, SS4, EN1, EN2, EN3 and EN9 of the Core Strategy and Section 12 and 15 of the NPPF.

5. Highways

The property is accessed by a shared private access off The Quay. Given the nature of the works proposed (the existing access and parking arrangements are unaffected by the proposed works), it is considered that the scheme will safeguard highway safety in accordance with Policies CT5 and CT6 of the Core Strategy.

6. Flooding Risk

The site lies in an area designated on the Environment Agency maps as Flood Zone 3. Given the nature of the developments proposed as part of this application, it is not considered that the scheme raises any significant flooding issues and as such would accord with the requirements of Policy EN10 of the Core Strategy and Section 10 of the NPPF.

RECOMMENDATION: Approve, subject to the following conditions, and any others as deemed necessary by the Head of Planning:

1. Time limit
2. In accordance with submitted plans
3. New sections of flintwork to match existing
4. Hardwood staircase/balustrading to weather naturally

- (4) **HANWORTH - PF/18/2286 - Demolition of pair of semi-detached dwellings and erection of detached two-storey dwelling, double garage and summerhouse; 24 The Common, Hanworth, Norwich, NR11 7HP for Mr M & Mrs Fowler**

Minor Development

- Target Date: 15 February 2019

Case Officer: Mr C Reuben

Full Planning Permission

CONSTRAINTS

SFRA - Areas Susceptible to Groundwater Flooding

LDF - Countryside

Conservation Area

Unclassified Road

Register of Common Land

Tree Works

RELEVANT PLANNING HISTORY for 24 The Common, Hanworth, Norwich, NR11 7HP

PF/18/1736 PF

24 The Common, Hanworth, Norwich, NR11 7HP

Demolition of pair of semi-detached dwellings and erection of detached two-storey dwelling, double garage and summerhouse

Withdrawn by Applicant - 07/12/2018

THE APPLICATION

The application proposes the replacement of a pair of two-storey semi-detached dwellings, currently in a state of disrepair and positioned in the north-west corner of the site, with a single two-storey red brick and pantile dwelling, along with a detached single garage in the north-west corner of the site, and vertical clad summerhouse adjacent to the eastern boundary. The site lies within Hanworth Conservation Area.

The majority of the site is rough grassed with hedge/tree planting around the northern and western site boundaries. Two residential properties lie to the south, with their long rear gardens abutting the southern site boundary, and another dwelling is located to the south-west adjacent to the existing access track. A further dwelling lies to the north-west set further down in terms of topography. The plot itself is not readily visible from the west, being set back from the road (accessed via a shared unsurfaced track) and largely screened by mature trees along the western boundary, except from a glimpsed view when approaching from a northerly direction. Further views are gained from an easterly direction along Emerys Lane.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr N Smith due to concerns raised locally in regard to design.

PARISH/TOWN COUNCIL

Hanworth Parish Council - Objection, raising the following concerns:

- Unnecessary to demolish the property, would lead the way to other demolitions around the Common.
- The proposed new building would be visible from the Common (unlike the current building) within a Conservation Area.
- Further concerns raised in regards to the proposed materials/ finished height, size of proposed garage and summerhouse, waste water and sewage disposal arrangements, and surface finish of approach road.

REPRESENTATIONS

Two objections have been received raising the following concerns:

- Re-development of number 24 could have implications on the possible future redevelopment of numbers 20 and 21, possibly affecting privacy and outlook as well as causing overlooking into number 21.
- Property would be clearly visible from the Common, the Highway, Meadow Farm House (listed) and Weavers Way Path. The height is unnecessary in which further rooms could be accommodated.
- The external appearance is similar to that designed by a national housebuilder.
- Only cottage number 25 is subject of a Closing Order.
- The need to relocate the property based upon groundwater problems is questionable
- Question the finding of the structural information provided which lacks detail. The cottages should not be demolished to justify new build in a different location, of disproportionate size and not appropriate in design to its surroundings. Existing cottages could be renovated.
- Will set a precedent for new builds in the countryside.
- Resin-bonded gravel driveway is not appropriate.

CONSULTATIONS

Norfolk County Council (Highway - Broadland) - No objection.

Conservation and Design Officer - No objection subject to conditions.

Environmental Health - No objection.

Landscape Officer - No objection subject to conditions regarding the obtaining of a European Protected Species License, ecological enhancement measures and prior agreement of any external lighting.

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 2 - Development in the Countryside

HO 8 - House extensions and replacement dwellings in the Countryside

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 8 - Protecting and enhancing the historic environment

EN 9 - Biodiversity and geology

CT 5 - The transport impact of new development

CT 6 - Parking provision

National Planning Policy Framework (NPPF):

Section 5 – Delivering a sufficient supply of homes

Section 12 - Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

MAIN ISSUES FOR CONSIDERATION

Principle

Design

Residential amenity

Landscape impact

Biodiversity

Heritage impact

Highway impact

APPRAISAL

1. Principle:

The site in question lies within the designated Countryside policy area of North Norfolk, as defined under Policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy. Within this area, proposals to replace existing dwellings are considered to be acceptable in principle, subject to compliance with the parameters set out in associated Policy HO 8 and other relevant Core Strategy policies which are considered below.

An application for a replacement dwelling was submitted in 2018 (ref: PF/18/1736), however, this was withdrawn owing to concerns regarding the design of the proposed dwelling and the lack of justification regarding the demolition of the existing buildings. This application seeks to address these issues.

2. Design (Policies HO 8 and EN 4):

The new dwelling would occupy a position towards the centre of the site and would be rotated 90 degrees clockwise with the frontage facing in a westerly direction. It would be approximately two metres higher than the existing property, occupying a footprint approximately 22sqm larger. The front portion of the site would be given over to a gravel parking/turning area, with the rear portion of the site landscaped, whilst retaining existing boundary hedgerows.

In consideration of Policy HO 8, replacement dwellings are acceptable where such a proposal would not result in a disproportionately large increase in the height or scale of the original dwelling, and would not materially increase the impact of the dwelling on the appearance of the surrounding countryside. It is not considered that in this instance, given the context of the site, a two metre increase in height and relatively modest 22sqm increase in footprint represent a disproportionate increase in height or scale. Furthermore, as a result of the proposed design and re-positioning, it is not considered that the proposed dwelling would have a significantly detrimental impact upon the surrounding landscape. As such, the proposals are considered to be in accordance with the requirements of Policy HO 8 of the adopted Core Strategy.

The overall design of the proposed dwelling has been altered to one that is more sympathetic to the site context and surrounding area. The size of the dwelling would be comparable to the existing dwelling, with a shallower roof pitch than previously proposed, and incorporating more detailing in the form of a natural oak timber porch, segmented arch brick soldier courses and gable brick detailing. Furthermore, it would be constructed of generally appropriate materials (though subject to condition to agree precise details). It is considered that the proposed development is compliant with Policy EN 4.

The proposed summerhouse would be low in height (2.5 metres at its highest point) and constructed of vertical boarding. The proposed garage would be situated on the site of the current house, thus at a lower position within the site and therefore not highly visible. Although the garage design is largely non-descript, it would again be constructed of appropriate materials. Both these domestic buildings are considered to be acceptable and compliant with Policy EN 4.

3. Residential amenity (Policy EN 4):

The proposed first floor front (west-facing) windows may afford a very acute angle toward the gardens of properties to the south (numbers 20/21), and indeed the garden area to the property to the north west, however, this would not be of a level to warrant any significant concern. Any views would be further diluted by the presence of existing trees (which are protected by virtue of being within the Conservation Area). As such, the proposed

development is considered to be in accordance with Policy EN 4 in regards to neighbouring amenity.

4. Landscape impact (Policy EN 2):

From a westerly direction, the site is not highly visible, except for a glimpsed view when approaching from the north and looking in a south-easterly direction. The site is more visible from an easterly direction along Emerys Lane, however, the dwelling, although proposed on a slightly higher part of the site, would be on an area of levelled land and constructed of appropriate materials. As such, in regards to the wider landscape setting, there are no significant concerns and the proposals are considered to be acceptable against the requirements of Policy EN 2.

5. Heritage impact (Policy EN 8):

The impact of the existing property, in terms of its contribution to the overall significance of the Conservation Area, is assessed as neutral, given it is largely screened from view and given its current condition, further noting the presence of a largely inappropriate flat roofed rear extension which rather dilutes the current visual quality. In addition, the value of retaining the existing property and cost associated with its restoration (which would involve elements of rebuild that could further harm the appearance of the property), is questionable. Given the work that would be required to restore the building, further taking into account its non-listed status and largely neutral impact upon the Conservation Area (given its less than prominent location) it would be extremely difficult to argue against demolition, further taking note of the appropriateness of the replacement dwelling in terms of design and visual impact. The replacement dwelling, subject to the securing of appropriate materials, would similarly have a neutral impact upon the Conservation Area in terms of any impact upon its character and setting. As such, on balance, it is not considered that refusal under Policy EN 8 could be justified given the absence of any harm.

6. Biodiversity (Policy EN 9):

The application was accompanied by a Preliminary Ecological Appraisal and Bat Survey Report. The report identified the presence of two possible day roosts and as such a European Protected Species Mitigation license will be required. In addition, further on-site ecological enhancement will be necessary in the form of bat boxes, an owl box, further bird nesting box and bat loft with the proposed garage. These matters will be the subject of appropriate conditions. Subject to the securing of such measures, the proposed development is considered to be compliant with Policy EN 9.

7. Highway impact (Policies CT 5 and CT 6):

The submitted plans demonstrate that adequate parking/turning facilities can be provided within the site, with no objection raised by the Highway Authority. For clarity, the access track (which is in shared ownership) would remain grassed given that it is not within the sole ownership of the applicant. The proposed development is compliant with Policies CT 5 and CT 6.

8. Conclusion:

It is noted that the site lies within the Conservation Area, however, account is taken of the less than prominent position of the site, the neutral impact of the existing building, the state of repair of the existing building as well as the degree of works that would be required for restoration, and the unsympathetic alterations that have previously taken place. In this instance, the demolition and replacement of the existing building cannot be resisted, with the

design of the proposed new dwelling being considered to be acceptable and compliant with the relevant Development Plan policies, subject to appropriate conditions.

RECOMMENDATION:

Approve subject to the conditions as listed below and any others as deemed necessary by the Head of Planning:

- Time limit for implementation (3 years)
- Development to be constructed in accordance with amended plans
- Precise details of brick/tile to be agreed
- Precise joinery details to be agreed
- Obtaining of a European Protected Species Licence prior to commencement of development
- Details of Protected Species mitigation/enhancement measures to be provided
- Any external lighting to be agreed prior to installation
- Removal of Permitted Development Rights for boundary treatments

- (5) **RUNTON - PF/18/2285 - Change of use of ground floor A1 (Retail) and A3 (Tea room) to C3 (Residential) and the subdivision of 17 and 19 High Street to create one 1-bedroom flat and one 3-bedroom flat (no:17) and one 3-bedroom house (no:19); East Runton Newsagents, 17-19 High Street, East Runton, Cromer, NR27 9AB for RW & TW Properties Limited**

Minor Development

- Target Date: 15 February 2019

Case Officer: Miss J Smith

Full Planning Permission

CONSTRAINTS

LDF Tourism Asset Zone

Countryside

Conservation Area

A Road

RELEVANT PLANNING HISTORY

None relevant

THE APPLICATION

The application seeks the change of use of the ground floor retail unit (A1) and tea room (A3) to form 3 residential dwellings. This will involve the subdivision of numbers 17 and 19 High Street in East Runton to create a one bedroom and a three bedroom flat within No 17 High Street and a three bedroom house within No.19 High Street.

REASONS FOR REFERRAL TO COMMITTEE

At the request of the Head of Planning given the material consideration of paragraph 78 of the National Planning Policy Framework in the determination of this application.

PARISH/TOWN COUNCIL

East and West Runton Parish Council – no objection to the originally submitted application (15 January 2019).

Further comments received (28 February 2019) - object to the revision to retain the shop front as it will be out of place with its opaque glass and artificial door. It is considered that the window is rotten and in poor condition and will need extensive renovation. The original plans to remove it and build the frontage to match existing properties were acceptable.

REPRESENTATIONS

4 letters of representation have been received which support the proposal and raise the following points:

- The redevelopment will be welcomed in particular the front elevation of the property.
- The scheme will improve the look of the village.
- Support the building being repaired and re-decorated.

An objection to the application was received; however this was withdrawn and the representor now supports the application.

CONSULTATIONS

County Council (Highway) - No objection

Environmental Health - No comment

Conservation and Design Officer - No objection to amended scheme subject to conditions

HUMAN RIGHTS IMPLICATIONS

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

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS 2: Development in the Countryside

Policy EN 4: Design

Policy EN 8: Protecting and Enhancing the Historic Environment

Policy HO 1: Dwelling mix and type

Policy CT 5: The transport impact on new development

Policy CT 6: Parking provision

National Planning Policy Framework sections

02: Achieving sustainable development

04: Decision-making

05: Delivering a sufficient supply of homes

06: Building a strong, competitive economy

08: Promoting healthy and safe communities

09: Promoting sustainable transport

11: Making effective use of land

12: Achieving well-designed places

16: Conserving and enhancing the historic environment

MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Housing Mix and Type
3. Design
4. Amenity
5. Heritage
6. Highways and Parking

APPRAISAL

1. Principle

The site is situated in the Countryside policy area as defined by policies SS1 and SS2 of the North Norfolk Core Strategy where there is an in principle objection to the erection of market housing. Notwithstanding this, applications for proposed development should be determined in accordance with the development plan unless material considerations indicate otherwise.

Since the publication of the Core Strategy in September 2008 the National Planning Policy Framework (NPPF) 2019 and National Planning Practice Guidance have been published both of which are material planning considerations. The NPPF sets out the Government's planning policies for England and how these are expected to be applied while the NPPG sets out Government guidance in relation to planning related issues in England.

Of relevance to the determination of this application is Paragraph 78 of the NPPF (2019) which states that in order to promote sustainable development in rural locations housing should be sited where it enhances or maintains the vitality of rural communities. Furthermore, Paragraph 79 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) *there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) *the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) *the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) *the development would involve the subdivision of an existing residential dwelling; or*
- e) *the design is of exceptional quality, in that it:*
 - *is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

The application seeks to divide the existing retail and residential unit into three dwellings. Therefore, the proposal would involve, in part, the subdivision of an existing dwelling. Consequently, the exception contained in Paragraph 79(d) of the Framework, namely that the subdivision of an existing dwelling is acceptable, is relevant. However, the application site is located within a village centre surrounded by housing and as such, the application site could not reasonably be considered to constitute an isolated dwelling in its own right.

The Court of Appeal, upholding the decision of the High Court, has clarified in the Braintree judgement that 'isolated' means "*a dwelling that is physically separate or remote from a settlement*"; it is not related to 'access to services' but proximity to other dwellings. It also confirmed that access to services by sustainable means is to be taken in the context of other policy considerations such as supporting the rural economy.

Firstly, in consideration of the physical isolation of the application site, it is surrounded by development of a residential nature so cannot be considered to be physically isolated. As such, paragraph 79 of the Framework does not fully apply. However, if the NPPF allows for the subdivision of dwellings in isolated locations, perversely, non-isolated locations are considered equally acceptable providing that development will enhance or maintain the vitality of rural communities in accordance with Paragraph 78 of the NPPF.

In consideration of whether the application site is remote from services, East Runton has a number of services and facilities including a convenience store and post office, public house and restaurant and Methodist Church. The nearest schools are at Cromer 1.3 miles away and Sheringham at 3.4 miles where both of these larger towns contain petrol stations and a high number of other services and facilities. In terms of transport links East Runton is served by a regular bus service that links to Holt, Sheringham, Cromer, North Walsham and Aylsham from where further services to other market towns can be readily reached.

It is therefore considered that the site cannot be considered as remote from day to day services. Although not all services are provided within the village itself, the NPPF and NPPG, as supported by a number of appeal decisions, indicates that short car journeys are acceptable in rural settings in order to access services.

In addition, the site has been vacant and under maintained and has fallen in to disrepair with a resulting detrimental visual impact on the wider street scene. This being the case the benefits of redevelopment of the site to the wider area are also considered to be material.

As such, and in accordance with paragraph 78 and 79 of the NPPF which is a material consideration, despite the departure from Policy SS2 of the North Norfolk Core Strategy, this particular application, considered on its own merits, is considered to be appropriate for residential development to support the rural community of East Runton.

2. Housing Mix and Type

Policy HO1 states that all schemes of three or four dwellings at least one dwelling shall comprise not more than 70sqm internal floor space and incorporate two bedrooms or fewer and at least 20% of dwellings should be suitable or easily adaptable for occupation by the elderly, infirm or disabled.

The application proposes two flats and one dwelling within Nos.17 and 19 High Street. The ground floor flat within No. 17 High Street contains one bedroom with an internal floor space of less than 70 sq. metres. As a result, the proposal is complaint with policy HO1 in terms of internal floor space provision. Additionally, the ground floor flat would be suitable for the elderly, infirm or disabled. It is therefore considered that the application is complaint with Policy HO1 and Section 5 of the NPPF.

3. Provision and Retention of Local Services and Facilities

The Design and Access statement submitted with the application states that the ground floor of No.17 High Street was a shop and No 19. High Street was a tea room. The shop and tea room closed early in 2018 following an order from the Environmental Health Team requiring substantial repairs and improvements to the building. These were required to ensure that the retail/tea room met current food standard regulations. In addition, the application states that the business was not profitable enough to support the costs associated with the repairs and the business went in to administration. A marketing exercise was undertaken but there no interest from prospective owners.

Policy CT3 requires the Local Planning Authority to have regard to development proposals that would result in the loss of premises currently or last used for important local facilities and services will not be permitted unless alternative provision of equivalent or better is available in the area or will be provided. The tea room is not considered a Local Facility or Service for the purpose of Policy CT3, however, the retail element needs to be considered. East Runton contains a village store and post office approximately 40 metres to the east of the application site which acts as a grocery store, newsagents, post office, off licence and sells fresh produce. As a result, it is considered that the loss of the shop will not result in conflict with Policy CT3 of the adopted Core Strategy as alternative provision is available within the immediate area. It is therefore considered that the application is compliant with Policy CT3 of the adopted Core Strategy and Section 11 of the NPPF.

4. Design and Heritage Impact

17-19 High Street lies within the designated East Runton Conservation Area and holds a prominent position fronting onto the High Street and primary A148 thoroughfare. The two buildings form a cohesive grouping with neighbouring Alexandra House and No. 11 High Street. All of which are orientated gable end onto the High Street and represent good examples of the mid C19 Victorian architectural influence and make a significant contribution to the prevailing character and appearance of the area.

The buildings have suffered from neglect and a general lack of maintenance, impacting on the condition and general appearance of the historic fabric of the building and its impact of the building within the wider Conservation Area and street scene of West Runton. The proposal will provide a long term viable use and offers a significant opportunity to secure the long term conservation of the building. The internal re-working and subdivision are not considered to carry any overriding heritage or design concerns and the proposed external changes to the building are fairly minor and limited to the following areas:

- Repainting of the external masonry and render finishes.
- Replacing the shop front at No.19 with quality facing bricks with a grey finish to match the render finish.
- Restoration of the original doorway openings within the ground floor of the west and east elevation.

An amended plan has been received which retains the original shopfront to unit to No.17 High Street which is considered a significant conservation gain to the building and streetscape as a whole and is wholly supported by the Conservation and Design Officer.

The proposed scheme is not considered to harm the significance of the heritage asset (East Runton Conservation Area) where the proposed works would enhance the street scene. The proposal is therefore considered to be in accordance with Policy EN8 and Section 16 of the NPPF (2019)

5. Amenity

In terms of impact upon residential amenity, the buildings have an existing residential use with 7 bedrooms over the upper two floors. There are no new openings to be inserted into the existing first or second floor of the building or extensions proposed. Whilst the existing east facing window at ground floor level of No.19 will now facilitate a residential use as opposed to a tea room, these windows look towards Wells Yard which are a row of traditional cottages where there is an intervening feature of a shared access/drive. As a result, the changes proposed to the existing building do not significantly change the scale or nature of the existing building or introduce any additional impacts on neighbouring properties residential amenity by way of overlooking, overshadowing or being overbearing.

In terms of the provision of internal and external amenity space provision, the proposed layout of the dwellings comply with the internal living space dimensions as recommended in the North Norfolk Design Guide SPD. The ground floor flat within No. 17 High Street (unit 1) proposes a small rear courtyard garden, however, it is noted that no external amenity space would be provided for unit 2 (first and second floor flat within No.17 High Street) and the dwelling within No. 19 High Street (unit 3). Whilst outdoor amenity space would be preferred for any new residential unit, it is known to be a common situation for upper floor flats within town and village centres to have no external space associated with them. In respect to the proposed dwellinghouse, regard has been given to the tight-knit pattern of development in the immediate context where other properties do not appear to have garden provision, and weighed up against the fact that in this case, the site would result in a long term viable use and offers a significant opportunity to secure the long term conservation of this prominent building within the Conservation Area.

It is considered that, the development broadly complies with Policy EN4 of the adopted Core Strategy and Section 12 of the NPPF.

6. Highways

The Highways Authority were consulted on the planning application and whilst concerns are raised regarding the shortfall in parking provision when considered against the Councils parking standards required for three residential dwellings, given the existing A1 and A3 uses at ground floor level, the comprehensive waiting restrictions and limited waiting parking bays in the vicinity, a Highways objection cannot be substantiated. Additionally, the Local Planning Authority can consider reduced parking if the development would enhance the Conservation Area. Given the enhancement that this scheme provides to the East Runton Conservation Area, it is considered that this outweighs the identified shortfall of parking provided on the site.

It is considered that, the development broadly complies with Policy CT5 and CT6 of the adopted Core Strategy and Section 12 of the NPPF.

Conclusion

Whilst it is recognised that the site is not within a settlement boundary as defined by policy SS 1 of the North Norfolk Core Strategy, it is considered that material considerations weigh in favour of the application such that approval should be granted:

- Recent guidance contained in the NPPF which is a material consideration indicates that there should be an acceptance of some residential development in rural areas to support the rural community and economy.
- The site would involve the subdivision of an existing dwelling.
- The site is located within and adjacent to other dwellings, and the restoration of the current building would be a benefit to the immediate surroundings and adjacent neighbours;
- West Runton has a number of services and facilities which cater for day to day needs so the location is neither physically or functionally isolated;
- Although not all services are provided within the village, the NPPF and NPPG, indicates that short car journeys are acceptable in rural settings in order to access services.
- The proposed scale, density and pattern of development would be in keeping with the surrounding area and would not have a visually obtrusive or visually dominant effect on the surrounding area, and;
- Furthermore, based on the proposed indicative layout it is not considered that the proposal would have a significantly detrimental impact on the amenities of the occupiers of nearby properties.

It is therefore considered that the development of the site is acceptable.

RECOMMENDATION:

Approve subject to the conditions as listed below and any others as deemed necessary by the Head of Planning:

1. Time Limit
2. In accordance with the plans
3. Brick samples to be agreed
4. Joinery details to be agreed
5. Rainwater goods to be agreed

- (6) **SCULTHORPE - PF/18/1807 - Erection of single storey log cabin for use as annexe accommodation; Land Ancillary to Roshpinna, Fakenham Road, Sculthorpe, Fakenham, NR21 9NE for Mr Haller**

Minor Development

- Target Date: 24 January 2019

Case Officer: Caroline Dodden

Full Planning Permission

CONSTRAINTS

LDF - Countryside

Flood Zone 2

Flood Zone 3

RELEVANT PLANNING HISTORY for Land Ancillary to Roshpinna, Fakenham Road, Sculthorpe,

PLA/19831835 EF

Roshpinna, Fakenham Road, Sculthorpe, Fakenham, NR21 9NE

STORAGE AND SALE OF FRUIT AND VEGETABLES

Refused 18/06/1984

PLA/19841181 EF

Roshpinna, Fakenham Road, Sculthorpe, Fakenham, NR21 9NE

GROWING, STORAGE AND SALE OF FRUIT AND VEGETABLES

Approved 06/08/1984

PLA/19882614 PF

Roshpinna, Fakenham Road, Sculthorpe, Fakenham, NR21 9NE

WORKSHOP FOR CAR DISMANTLING AND STORAGE

Temporary Approval 03/02/1989

PLA/19891360 PF

Land in curtilage of Roshpinna, Fakenham Road, Sculthorpe, Fakenham, NR21 9NE

SUB-DIVIDE STEEL FRAMED BLDG. TO FORM 4 SEPARATE UNITS FOR STORAGE OR LIGHT INDUSTRIAL

Approved 31/08/1989

PLA/19892568 PF

Roshpinna, Fakenham Road, Sculthorpe, Fakenham, NR21 9NE

EXTENSION TO EXISTING BUNGALOW

Approved 10/04/1990

PLA/19940942 PF

Roshpinna, Fakenham Road, Sculthorpe, Fakenham, NR21 9NE

DEMOLITION OF EXISTING BARN AND ERECTION OF NEW BARN WITH STORAGE AND PARKING AREAS AND ACCESS ROAD

Approved 25/11/1994

PLA/19960654 PF

Roshpinna, Fakenham Road, Sculthorpe, Fakenham, NR21 9NE

ERECTION OF TWO-STOREY DWELLING AND DETACHED DOUBLE GARAGE (REVISED DESIGN)

Approved 25/07/1996

PLA/20070652 PF

Roshpinna, Fakenham Road, Sculthorpe, Fakenham, NR21 9NE

ERECTION OF EXTENSION TO WORKSHOP

Approved 11/06/2007

PLA/20060707 PF

Roshpinna, Fakenham Road, Sculthorpe, Fakenham, NR21 9NE

FORMATION OF PRIVATE POND/FISHING LAKE

Approved 02/05/2008

THE APPLICATION

Erection of single storey log cabin for use as ancillary annexe accommodation for the Applicant's family.

REASONS FOR REFERRAL TO COMMITTEE

Councillor Tom Fitzpatrick considers that the application complies with the Development Plan policy 2 and believes that the proposed development raises issues relevant to Human Rights:

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

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

PARISH/TOWN COUNCIL

Sculthorpe Parish Council

E mail dated 28 December 2018, stating the Council required additional time to consider proposal. No formal comment has been received to date.

REPRESENTATIONS

No comments received.

CONSULTATIONS

County Council (Highway)

- Holding Objection: The independent access and parking provision, within a parcel of land accessed from a commercial entrance, remote from the donor dwelling leads to questions about the ancillary nature of the proposal.
- The proposed annexe site is remote from the residential dwelling, as such, I would consider this proposal to be a new dwelling rather than ancillary accommodation for the donor dwelling.

Environmental Health

No objection however, potential for noise disturbance to future occupiers due to adjacent uses. Condition to restrict occupation of the annexe to those in connection with the main dwelling, Roshpinna, only.

Landscape Officer

No objection subject to conditions securing mitigation measures as set out in the accompanying Ecological Impact Assessment.

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.

There are four express protected interests under Article 8: (1) private life; (2) home; (3) family; (4) correspondence.

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

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

The European Court of Human Rights has indicated that this Article contains three distinct rules:

- (1) The general principle of peaceful enjoyment of property;
- (2) The rule that any deprivation of possessions should be subject to certain conditions;
- (3) The principle that States are entitled to control the use of property in accordance with the general interest, by enforcing such laws as they deem necessary for the purpose (second paragraph).

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS2: Development in the Countryside

Policy SS 3: Housing

Policy HO 8: House extensions and replacement dwellings in the Countryside

Policy EN 4: Design

Policy EN 9: Biodiversity and geology

Policy EN 10: Flood risk

Policy CT 5: The transport impact on new development

Policy CT 6: Parking provision

MAIN ISSUES FOR CONSIDERATION

- 1) Principle
- 2) Design and Amenity
- 3) Highways
- 4) Flood risk

APPRAISAL

Background

The Applicant's ownership of land encompasses the detached dwelling known as Roshpinna, with its associated walled front and fenced rear gardens. The dwelling is situated on the southwest side of Fakenham Road in Sculthorpe. There is a private vehicular access immediately adjacent to the western side of the domestic curtilage, leading to the Applicant's builders yard and associated buildings (Haller Builders), which is situated behind the existing dwelling, to the south. The application site is situated to the west of this land, within the curtilage of a private pond/ fishing lake, within the Applicant's ownership. The proposed annexe would be accessed from the existing vehicular access serving the builders yard. Roshpinna would maintain a separate and independent access.

A residential annexe is accommodation ancillary to the main dwelling within the residential curtilage for the purpose of accommodating, for example, elderly or sick relatives, whilst giving them some degree of independence. The annexe should form part of the planning unit by sharing the same access, parking area and garden as the host dwelling.

1. Principle

The site is located within the designated countryside area as defined under Policy SS 1 of the adopted North Norfolk Core Strategy. Policy SS 2 lists the types of development that can be accepted in principle in the countryside, restricting new development in general to that which requires a rural location, subject to certain exemptions. These restrictions are necessary as the 'countryside' is the least sustainable location in terms of access to basic facilities.

Although the proposal is described as an annexe, it is considered that the nature of the proposal is tantamount to a new dwelling in the countryside. This is taking into account the following:

- the size, scale and level of facilities (two en-suite bedrooms with a comparatively large living space/ kitchen),
- the physical separation (approximately 120 metres) between the proposed dwelling and the host property, where the proposed residential accommodation would not be located within the physical curtilage (or planning unit) of the host property,
- the functional separation with the annexed being served by a separate vehicular access.
- In addition, the proposed accommodation could be physically separated from the private pond to create a new private garden area and new planning unit.

As such, it is considered that the proposed accommodation would be capable of being used independently with no functional, physical or practical link to the main dwelling.

The proposal is not considered to be a residential annexe and has therefore has been assessed as the creation of a new dwelling, which is precluded in the designated Countryside policy area. For this reason the proposal would be contrary to policies SS 1 and SS 2 of the Core Strategy.

Policy HO 8 permits house extensions or replacement dwellings within designated countryside where the proposal would not be disproportionately larger in scale or materially increase the impact in the countryside. It is considered that the proposed residential accommodation is neither a replacement dwelling nor an extension to an existing dwelling and as such, the application does not comply with policy HO 8.

Paragraph 78 of the National Planning Policy Framework (NPPF February 2019) seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. It seeks to avoid new isolated homes in the

countryside unless there are special circumstances. Although, it is accepted that the application site is not physically isolated, and taking into consideration the need for accommodation for the Applicant's relatives, it is considered that the proposal would contribute little towards maintaining the vitality of this rural community and thus would make little contribution to the role of sustainable development. There are no exceptional circumstances or material considerations which outweigh the need to comply with the development plan.

2. Design and Amenity

The proposed residential accommodation would be in the form of a single storey log cabin. Assessed as a separate new dwelling, it is considered that a log cabin would not strictly accord with policy EN 4, in that the proposed building would not be designed to a high quality or reinforce local distinctiveness and as such, would not preserve or enhance the character of the area. However, given that the accommodation would not be situated in a prominent position, or be of a large scale, it would not be seen to cause significant harm to the visual appearance of the area.

Given the proposed position of the dwelling, it is considered that there would be no privacy or overlooking issues. The proximity of the dwelling to the existing builder's yard has some cause for concern, with regards to noise disturbance. However, Environmental Health advice would suggest the imposition of a condition tying the new residential accommodation to the main dwelling, to ensure that separate occupation does not occur, would be sufficient to overcome this concern.

3. Highways

The Highways Officer has questioned the ancillary nature of the proposed residential accommodation, in relation to its independence and separate access and parking to the main dwelling. The Agent has confirmed that if there is considerable concern about the future occupiers of the log cabin using the existing road then the proposed parking could be removed and the occupiers would use the existing driveway area at the front of Roshpinna. A revised scheme indicating this has not been submitted and so the proposals remain contrary to Policies CT 5 and CT 6 of the adopted Core Strategy, but it is acknowledged that the Highway Officer's holding objection could be overcome were this to be fully addressed.

4. Flood Risk

The location for the proposed residential accommodation falls within flood zones 2 and 3. Permanent dwellings fall into the 'more vulnerable' category. The east part of the site falls within flood zone 3, where the access and parking are indicated. The proposed log cabin would be situated in flood zone 2, in which the principle of permanent dwellings are accepted.

The submitted flood risk assessment states that there would be flood risk mitigation by ensuring the finished floor level of the unit would be 300mm above the existing ground level on the site and that construction would include elements such as water resisting airbricks and that electrical installation would be 600mm above the existing ground level. Provided these works were implemented as part of the development, the proposal would accord with policy EN 10 of the Core Strategy.

Conclusion

In conclusion, for the following reasons the proposed annexe is considered to be tantamount to a new dwelling in the designated countryside policy area and as such is considered to be unsustainable development and contrary to Policies SS1 and SS2 of the adopted North Norfolk Core Strategy:

- The physical separation from the host dwelling, Roshpinna;
- The self-contained nature of the proposed accommodation resulting in no functional relationship with the host dwelling, Roshpinna;
- The independent access and parking and amenity area

RECOMMENDATION: Refuse for the following reason:

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

SS1 – Spatial Strategy for North Norfolk
SS2 – Development in the Countryside

In the opinion of the Local Planning Authority, given the siting and self-contained nature of the proposal, taking into consideration the proposed separate access, amenity space and the extent of physical and functional separation from the host property, the proposed development would result in a building tantamount to the creation of a new dwelling in the Countryside, remote from basic services and facilities. The proposal would therefore result in unsustainable development, contrary to policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy.

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

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

APPEALS SECTION

(8) **NEW APPEALS**

NEATISHEAD - PF/18/0025 - Change of use of land from sewage treatment works to private recreational use, including erection of polytunnel, storage shed and siting of Shepherd's Hut; Anglian Water Authority Sewage Div Bt 4 and 5, King Street, Neatishead for Mr & Mrs Plater
WRITTEN REPRESENTATIONS

SMALLBURGH - PO/18/1282 - Erection of 3 no. dwellings (outline - details of access only, all other matters reserved); Home Farm, Norwich Road, Smallburgh for Mr Green
WRITTEN REPRESENTATIONS

SWAFIELD - PO/18/0662 - Proposed detached chalet bungalow with detached garage (all matters reserved); Plot next to the Kingdom Halls, The Street, Swafield, NORTH WALSHAM, NR28 0RQ for Mr Watts
WRITTEN REPRESENTATIONS

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

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

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

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

**FAKENHAM - PF/17/2015 - Extension to annexe (retrospective); 6 Whitelands, Fakenham, NR21 8EN for Ms Steel
SITE VISIT:- 15 March 2019**

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

POTTER HEIGHAM - PF/18/1136 - Re-building and extension of partly demolished former agricultural building to create a dwelling (C3); Land adjacent to junction of Fritton Road & Market Road, Potter Heigham for Mr & Mrs Lawn

SMALLBURGH - PO/18/1282 - Erection of 3 no. dwellings (outline - details of access only, all other matters reserved); Home Farm, Norwich Road for Mr Green

SWAFIELD - PO/18/0662 - Proposed detached chalet bungalow with detached garage (all matters reserved); Plot next to the Kingdom Halls, The Street, Swafield, NORTH WALSHAM, NR28 0RQ for Mr Watts

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

WEYBOURNE - PF/17/1740 - Removal of conditions 3, 4 & 5 of planning permission PF/09/0029 to allow residential occupation as a dwelling; The Roost, Bolding Way, Weybourne, HOLT, NR25 7SW for Mr Harrison

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

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

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

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

APPEAL DECISION:- APPEAL ALLOWED

A summary of the above appeal is attached at **Appendix 2.**

Summaries of the following appeals will be reported to the next meeting.

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

APPEAL DECISION:- APPEAL ALLOWED

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

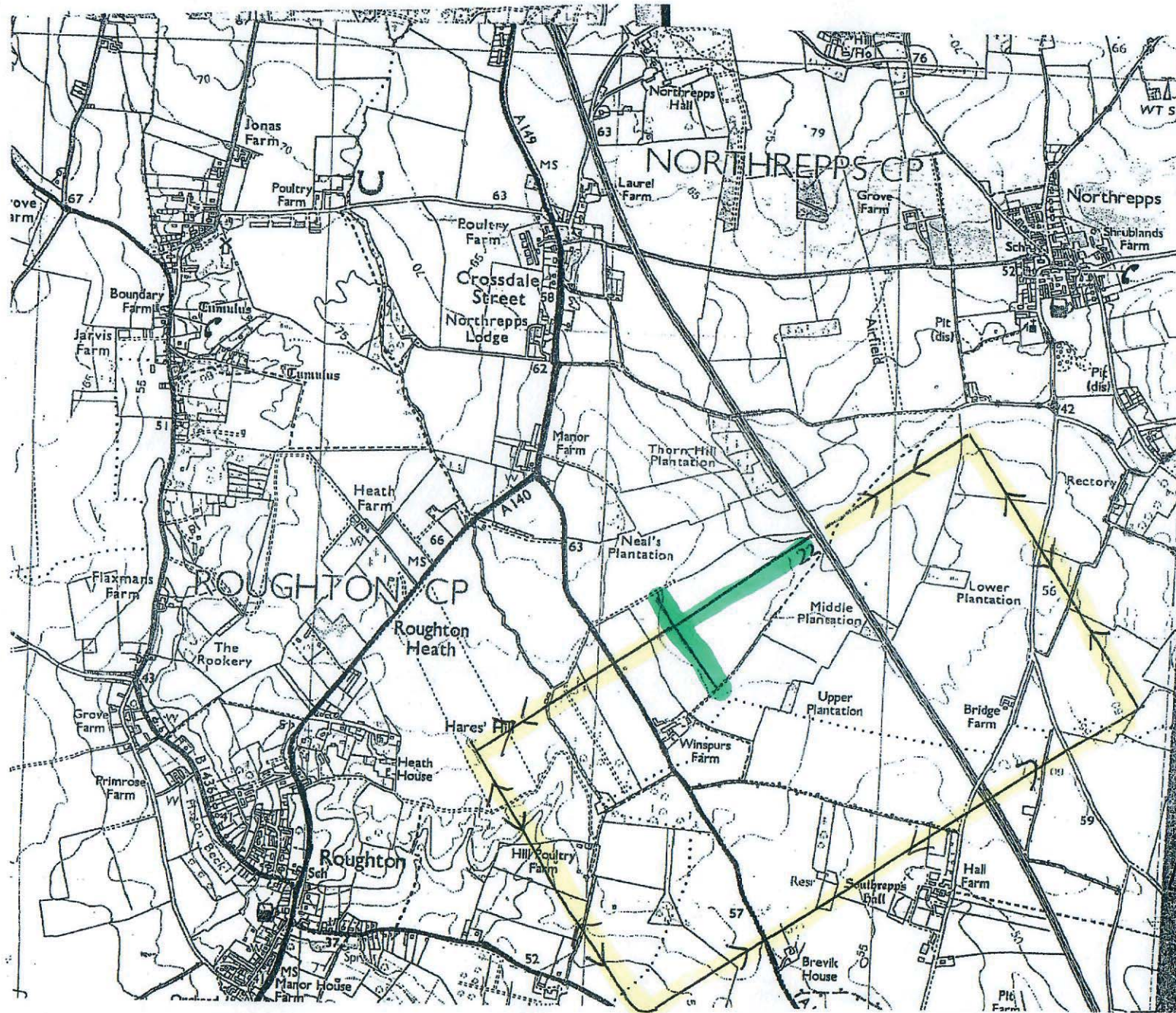
APPEAL DECISION:- APPEAL ALLOWED

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

APPEAL DECISION:- APPEAL DISMISSED

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

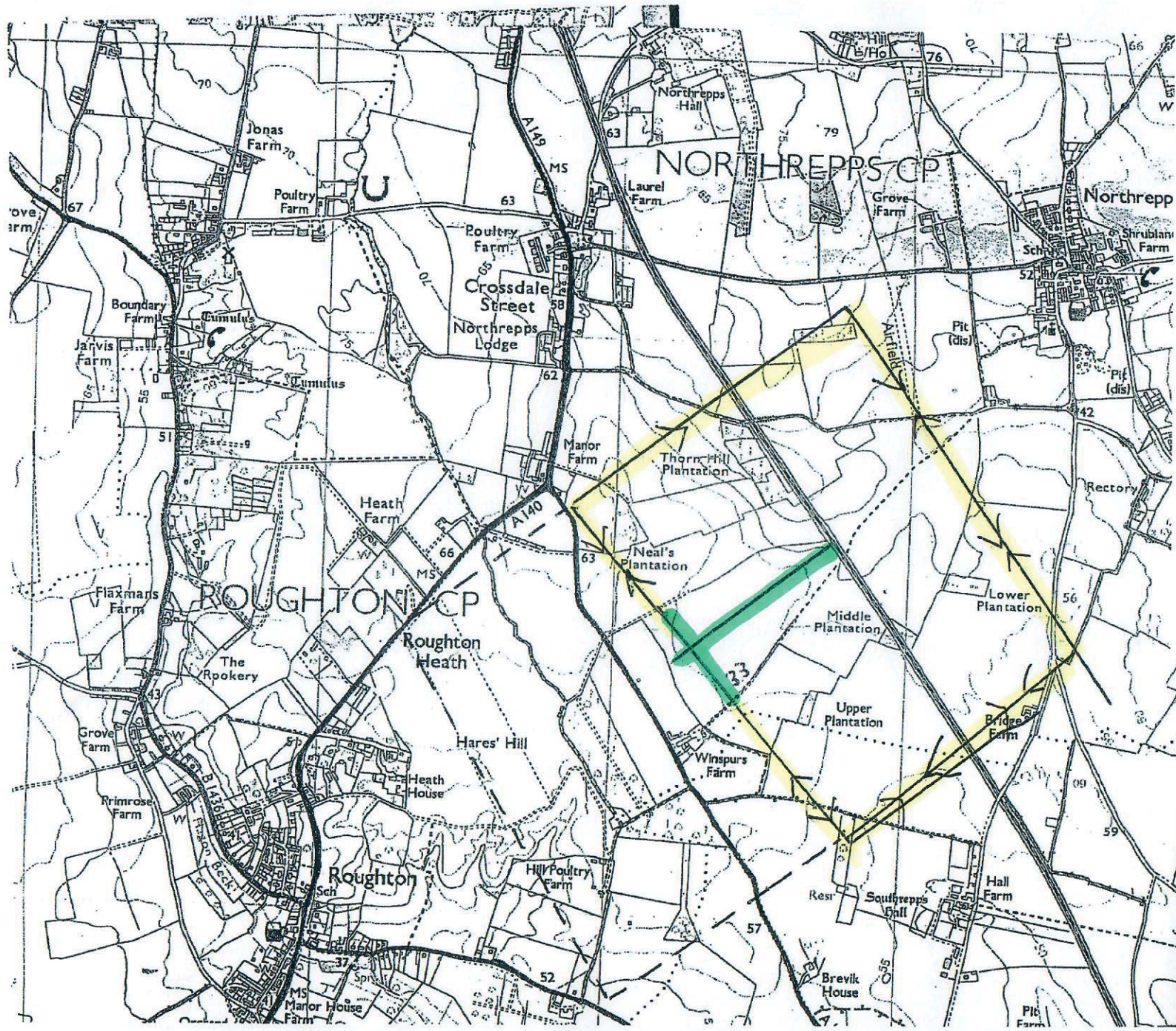
No change from previous report.



Runway 22
Left Hand

Runway 04
Right Hand

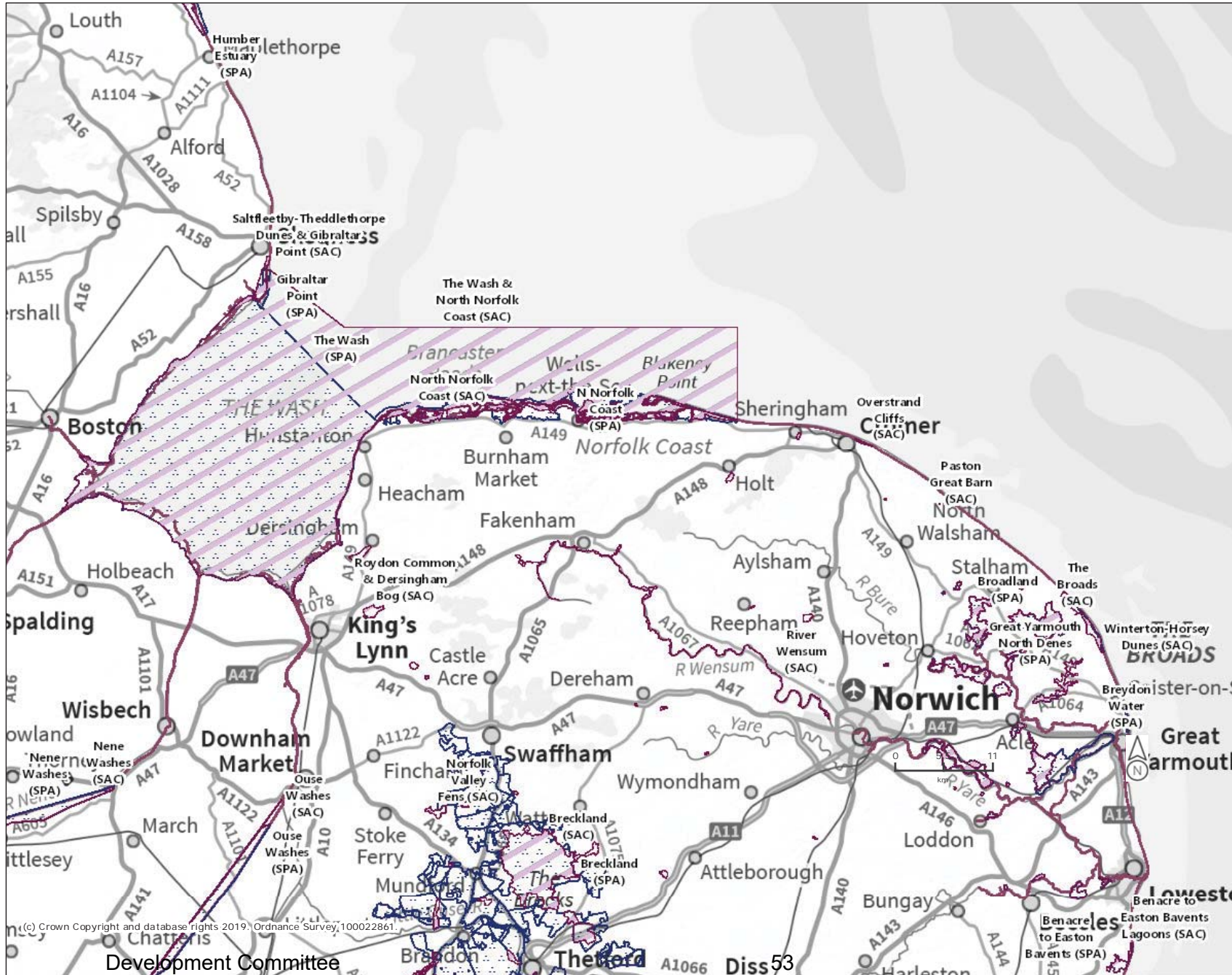
NOA
DISTRICT COUNCIL
27 MAR 2019
PLANNING DIVISION



Runway 15
Left Hand

Runway 33
Right Hand

CAA ADVISE
ALTERNATING
THIS ONE WITH
LEFT HAND
CIRCUITS AND
WE COMPLY



Legend

- Special Areas of Conservation (England)
- Special Protection Areas (England)

Projection = OSGB36
 xmin = 505800
 ymin = 292400
 xmax = 688100
 ymax = 379900

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 28 March 2019

| | |
|---|---|
| Application Number: PF/17/0613 | Appeal Reference: APP/Y2620/W/18/3206592 |
| Location: Cannister Hall Barns, Swaffham Road, Toftrees, NR21 7EA | |
| Proposal: Erection of a barn building to house stables in paddocks and change of use for development of an equestrian riding arena complete with arena lights. | |
| Officer Recommendation: Refuse | Member decision (if applicable): Refuse |
| Appeal Decision: Upheld | Costs: N/a |
| <p>Summary: The main issues the Inspector considered was:</p> <ul style="list-style-type: none"> • The effect of the proposed development on the special interest and setting of the listed Cannister Hall, including the effect on Cannister Hall Bars, and on the character and appearance of the surrounding landscape. <p>The Inspector noted the significance of Cannister Hall and the adjacent buildings and surrounding landscape. He specifically noted that the barns themselves are not listed but that they make a positive contribution to the Hall's special interest and significance.</p> <p>The Inspector noted that the Council had no objection to the principle of a new stable building and riding arena but that the concern lied in the design of the built form.</p> <p>The Inspector found that the building would appear in views both to and from the Hall and the barns, but he considered it would not be overly large or intrusive in the landscape. He felt the size and design was in keeping with the surroundings. As such he found that the proposed development would have an acceptable effect on the special interest and significance of Cannister Hall and would preserve its setting, and the same in relation to Cannister barns as well. He found no harm to the heritage assets. In addition he found no harm to the wider landscape setting.</p> | |
| <p>Relevant Core Strategy Policies: EN4 – Design EN8 - Heritage</p> | |
| <p>Relevant NPPF Sections/Paragraphs: 196</p> | |
| <p>Learning Points/Actions: N/a.</p> | |

Sources:

Sarah Ashurst – Development Management Manager