



NORTH  
NORFOLK  
DISTRICT  
COUNCIL

# Development Committee

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**TO REGISTER TO SPEAK PLEASE CALL 01263 516150**

2 April 2019

A meeting of the **Development Committee** will be held in the **Council Chamber** at the Council Offices, Holt Road, Cromer on **Thursday 11 April 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 9 April 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 Punched, Mr J Rest, Mr P Rice, Mr E Seward, Mr S Shaw, Mr D Smith, Mr N Smith, Mrs L Walker, Ms K Ward, Mr A Yiasimi

All other Members of the Council for information.

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



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

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

**Heads of Paid Service:** Nick Baker and Steve Blatch  
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## AGENDA

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

### PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS
2. TO RECEIVE APOLOGIES FOR ABSENCE AND DETAILS OF ANY SUBSTITUTE MEMBER(S)
3. ITEMS OF URGENT BUSINESS (to be taken under items 7 or 9 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.
4. 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.
5. 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.
6. OFFICERS' REPORT

### ITEMS FOR DECISION

#### PLANNING APPLICATIONS

- (1) **FAKENHAM - PF/18/1720** - Erection of single storey and two storey extension including installation of mezzanine to create a retail unit (A1) (Revised design to that approved under PF/15/0452); 15 Millers Walk, Fakenham, NR21 9AP for Fakenham Properties Ltd Page 4
- (2) **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 14
- (3) **NORTH WALSHAM - PF/18/2318** - Subdivision of existing five-bedroom dwelling property into two 3-bedroom houses and a 2-bedroom bungalow; 8A New Road, North Walsham, NR28 9DF for Mr & Mrs Godden Page 19

- (4) **APPLICATIONS RECOMMENDED FOR A SITE INSPECTION** Page 22
- (5) **NEW APPEALS** Page 23
- (6) **INQUIRIES AND HEARINGS - PROGRESS** Page 23
- (7) **WRITTEN REPRESENTATIONS APPEALS - IN HAND** Page 23
- (8) **APPEAL DECISIONS – RESULTS AND SUMMARIES** Page 24  
(Appendix 1 - Page 25)
- (9) **COURT CASES – PROGRESS AND RESULTS** Page 24
- 7. **ANY OTHER URGENT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 3 ABOVE**
- 8. **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**

- 9. **ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 3 ABOVE**
- 10. **TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA**

**OFFICERS' REPORTS TO  
DEVELOPMENT COMMITTEE - 11 APRIL 2019**

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

**PUBLIC BUSINESS - ITEM FOR DECISION**

**PLANNING APPLICATIONS**

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

- (1) **FAKENHAM - PF/18/1720** - Erection of single storey and two storey extension including installation of mezzanine to create a retail unit (A1) (Revised design to that approved under PF/15/0452); 15 Millers Walk, Fakenham, NR21 9AP for Fakenham Properties Ltd

**Minor Development**

**- Target Date: 16 November 2018**

Case Officer: Miss J Medler

Full Planning Permission

**CONSTRAINTS**

LDF Tourism Asset Zone

SFRA - Areas Susceptible to Groundwater Flooding

C Road

Proposed Retail Opportunity Site

Contaminated Land

Conservation Area

Section 106 Planning Obligations

Section 52 - Planning Obligation

LDF - Settlement Boundary

LDF - Town Centre

LDF - Primary Shopping Area

LDF - Primary Retail Frontages

**RELEVANT PLANNING HISTORY**

PLA/20030188 PO

Land off Millers Walk, Bridge Street and Cattle Market Street, Fakenham

Erection of Retail Units and Retail Units with Flats/residential above

Refused 01/07/2003

PLA/20060912 PF

15 Millers Walk, Fakenham, NR21 9AP

Erection of Ground and First Floor Extensions

Approved 14/07/2006

PLA/20051921 PF

15 Millers Walk, Fakenham, NR21 9AP

Erection of First Floor Extension to Provide Storage Space and Alterations to Shop Fronts

Approved 02/02/2006

PF/15/0452 PF  
Millers Walk, Fakenham, NR21 9AP  
Extension to provide a new two-storey retail unit (A1)  
Approved 26/05/2017

PF/17/1487 PF  
15 Millers Walk, Fakenham, NR21 9AP  
Extension to provide a new two-storey retail unit (A1) - Revised scheme approved under  
PF/15/0452  
Withdrawn by Applicant 30/10/2017

PF/17/2171 PF  
15 Millers Walk, Fakenham, NR21 9AP  
Erection of single-storey and two-storey extension to create retail unit (A1) (Revised Design  
approved under PF/15/0452)  
Refused 06/03/2018

IS1/18/0970 IPA  
15 Millers Walk, Fakenham, NR21 9AP  
Meeting only regarding erection of extension to create A1 retail unit  
Advice Given (for pre-apps) 09/08/2018

#### THE APPLICATION

The application seeks permission for the erection of a single storey and two storey extension including the installation of a mezzanine floor to create a retail unit (A1). This is a revised design to that approved under PF/15/0452.

The net sales area of the proposed unit would be 500sqm at ground floor, with a 150sqm mezzanine first floor area for storage.

In terms of materials a mix of red bricks to match the existing brickwork and render are proposed with a long strip standing seam metal roof in terracotta to best match the roof tiles. Grey powder coated aluminium joinery and coated steel roller shutter door is also proposed with black upvc guttering.

#### REASONS FOR REFERRAL TO COMMITTEE

At the discretion of the Head of Planning having regard to the Town Council desire for off-site highway improvement works and the history of the application site.

#### TOWN COUNCIL

Fakenham Town Council – Comments

1. Councillors accept the design in principle subject to the visible side of the roof being pantiled and they would like to see more prominence to brickwork, not render as Millers Walk is situated within the Conservation area.
2. The east end of Cattle Market Street must be re-opened to allow incoming traffic only, coming from the roundabout at the southern end of White Horse Street. Fakenham Town Council considers that this requirement is essential as the west end of Cattle Market Street is too narrow safely to take the car park traffic diverted from the newly closed entrance.
3. The applicant should be required to landscape the untidy area at the top of White Horse Street adjacent to the development and in the same ownership.

The Clerk will email Norfolk County Council Highways to inform them how strongly Councillors feel about traffic issues.

## REPRESENTATIONS

None received

## CONSULTATIONS

Environmental Health – No objections subject to a condition regarding a scheme for noise, dust and odour control from any plant or equipment proposed, and an advisory note in relation to contaminated land.

County Council (Highway) - Cromer – No objection. Whilst the proposal would result in the loss of car parking, which is a concern to the Highway Authority, given the location of the site and proximity to other car parking facilities and public transport links the Highway Authority also consider there to be positive benefits: the reduction in the use of the access onto White Horse Street by private cars entering the car park from that direction. The Highway Authority considers that restricting the use of the northern access to deliveries as proposed, would reduce existing congestion and delays close to a busy intersection where vehicles waiting to enter the sites access need to cross queuing northbound traffic waiting to enter the roundabout which causes delays to vehicle flows at the roundabout. In addition, whilst the applicant has confirmed they are not prepared to explore opening up the junction with Cattle Market Street and Whitehorse Street the Highway Authority are not in a position to raise an objection. A condition is required on any approval for enhanced car parking signage.

## 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 (September 2008)

SS 1 - Spatial Strategy for North Norfolk

SS 5 - Economy

SS 6 - Access and Infrastructure

SS 8 – Fakenham

EN 4 - Design

EN 8 - Protecting and enhancing the historic environment

EN 13 - Pollution and hazard prevention and minimisation

EC5 – Location of retail and commercial leisure development

CT5 – The Transport impact of new development

CT6 – Parking provision

### National Planning Policy Framework (February 2019)

Section 2 – Achieving sustainable development

Section 6 – Building a strong, competitive economy

Section 7 – Ensuring the vitality of town centres

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 - Achieving well-designed places

Section 16 - Conserving and enhancing the historic environment

## MAIN ISSUES FOR CONSIDERATION

1. Background
2. Principle
3. Design
4. Heritage
5. Highway safety
6. Amenity
7. Environmental Considerations
8. Other material considerations
9. Conclusion

## APPRAISAL

### 1. Background

Members will note from the planning history section of this report that planning permission was granted under planning permission reference PF/15/0452 for the erection of a two storey extension to 15 Millers Walk to create an additional A1 Retail Unit. That approved scheme (PF/15/0452) was determined at Development Committee on the 25 June 2015, and was subject to a number of conditions and a Unilateral Planning Obligation requiring the applicant to exercise 'reasonable endeavours' to secure an additional access onto White Horse Street. The decision was granted by the Local Planning Authority for the application on the 26 May 2017 including a Unilateral Planning Obligation.

Since the approval of that application the applicant has sought design changes to the proposal due to the build costs of the approved scheme being considered unviable for the rents that might be achieved. Planning application PF/17/1487 was submitted detailing a revised design. However, this proposal was considered to be unacceptable in terms of its design and impact upon heritage assets and was withdrawn following discussions between Officers and the agent.

Further discussions took place between Officers and the agent regarding a revised proposal. However, planning application PF/17/2171 was submitted for a scheme which officers had already advised the agent, prior to the submission of the application, was unacceptable. That application was subsequently refused.

Following this further extensive pre-application discussions took place between officers, the agent and the applicant and the current application is before Members for determination.

### 2. Principle

The application site is an area of land currently used as car parking for 29 cars, directly to the east of an existing retail unit at the Millers Walk shopping precinct. Further car parking is located directly to the south of the site providing approximately 76 car parking spaces.

The application site is situated within the Principal Settlement of Fakenham and designated as a Town Centre area (Policies SS1 and SS5) in the North Norfolk Core Strategy, and is also located directly adjacent to an identified Primary Shopping Area and Primary Retail Frontage (Policy EC 5). The site also forms part of a much larger area designated under allocation ROS6 for retail development as a Retail Opportunity Site in the Site Allocations Development Plan Document (DPD) 2011.

The principle of a new retail unit in this location was fully assessed and established under planning permission PF/15/0452. Whilst the applicant has advised they no longer wish to develop that scheme it is nonetheless an extant permission and is therefore a material consideration in the determination of this application.

The approved scheme (PF/15/0452) had a net sales area of 374sqm, which complied with the requirements of Policy EC5 of the Core Strategy for retail proposals with a net sales area of less than 500sqm. In that case the policy requires such proposals to be located within the development boundary on the best sequentially available site.

The current proposal has a slightly larger floor area than that previously approved with a proposed net sales area of 500sqm at ground floor, and a 150sqm mezzanine at first floor for storage. Given that the net sales floor area is proposed as 500sqm, and not less than 500sqm the criteria for assessing the proposal are different to that under PF/15/0452. In accordance with Policy EC5 of the Core Strategy retail proposals with a net sales area of 500 – 749sqm requires such a proposal to be located within a defined Primary Shopping Area of a Large or Small Town Centre.

In this case the application site is not located within a Primary Shopping Area, but is located directly adjacent to it. Fakenham is also defined in the Core Strategy as a 'Principal Settlement', and is therefore deemed to be a Large Town. Whilst this does not fully comply with the requirements of Policy EC5 for a retail unit of this size the site is located within the defined Town Centre, it is directly adjacent to the Primary Shopping Area and Millers Walk shopping precinct which provides linkage between the existing retail food store to the west of the town centre operated by Tesco and the retail food store to the east operated by Aldi. The 500sqm sales area proposed is generally in excess of that offered by many of the standard high street retail units, meeting increasing demand for larger open plan retail floor space. A unit of this size will offer variety to support the existing retail mix on offer in the town. The need for variety and choice in town centres is recognised (as referred to in paragraph 2.9.8 of the Core Strategy in regards to Fakenham), and it is therefore considered that the proposal would bring a number of benefits to the town. This includes the creation of between 10 - 15 full time jobs, and has the potential to have a positive impact upon the vitality and viability of the town centre as a whole. In terms of sustainable development, the proposal is in a sustainable location in Fakenham town centre, with good links to public transport and adjacent to an existing car park.

The NPPF supports a sequential approach to the location of main town centre uses.

Paragraph 80 of the NPPF states that '*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking in to account both local business needs and wider opportunities for development*'.

Paragraph 85 of the NPPF states that '*Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation*'.

With regards the allocation of the site within the Site Allocations DPD as a Retail Opportunity Site, the allocation recognises that as the site is within multiple ownership it is likely to be developed in phases. The application site represents a very small proportion of the allocated site and is directly adjacent to existing retail uses. In the absence of a Development Brief for the site it is concluded that the development proposed on the application site will not compromise the ability of the wider extent of the allocated site from being developed and also in accordance with that allocation will ensure that sufficient space remains for the market to continue to operate. Therefore, it is considered that the proposals will not conflict with the provisions of the allocation of the site as a Retail Opportunity Site in the Site Allocations DPD.

For the reasons explained above, it is therefore considered that this is the best sequentially available site within the town for such a proposal.



The principle of the application in this location is considered to be acceptable, subject to compliance with other relevant Core Strategy policies, and is also supported by Retail and Town Centre Policies set out in the National Planning Policy Framework (NPPF).

The proposal complies with Policies SS1, SS5 and EC5 of the Core Strategy, and the NPPF.

### 3. Design

Extensive discussions have taken place between Officers and the agent in relation to design. Officers concerns regarding the previous proposals submitted under PF/17/2171 and PF/17/1487 were in relation to the overall form, detailing and connectivity between the proposed extension and the existing host building. It was considered that the proposed extension did not relate successfully to the host building, which resulted in a poor relationship, in this prominent location contrary to Policy EN4 of the Core Strategy.

However, the applicant has taken on board Officer advice and amended the scheme to reflect the design features and proportions of the existing Millers Walk building. Other improvements to the design and detailing include:

- Continuation across the new elevations of the existing rhythm of expressed piers to create some relief and add interest (albeit in render rather than brick)
- North facing service door being centred on the elevation and framed by brick piers
- Recessing the masonry below the flat roof/box gutter (thus properly articulating the main hipped roof element) on the north elevation.
- Moving the two first floor windows on the north and east elevation to the north east corner to create more of a focal feature of interest.
- The introduction of more glazing into the single-storey link section facing east

The southern elevation is now considered to be a compatibly proportioned 'pavilion' which is connected to the existing by means of a properly modelled flat roof link, which satisfactorily bridges the gap between the existing and proposed units. The triangular sign over the entrance picks up the adjacent blind dormers on the existing Millers Walk building. The detailing along the eastern and northern elevations are also much improved, which help to tie in the existing building with the proposed extension.

Due to the floor area required for the proposed unit this has resulted in the need for part of the extension to be two storey. The relationship between the existing and proposed building has been explored in detail given the difficulties of connecting two roof forms. Joining of the roof of the extension into the existing roof has been discussed but is significantly costly such that the viability of the proposal as a whole is placed at risk. Whilst the proposed box gutter arrangement is not an ideal solution the link is no greater than approximately 800mm in width, and would be nearly 6m above ground level. The northern elevation of the proposed extension sits in a staggered position, set approximately 5.5m back from the northern elevation of the existing building. Whilst this is a very prominent location in the street scene the basic form now reflects that of the existing building. The views of the link would be visible from the north, but primarily at an oblique angle with direct views from the very western end of Norwich Street near the roundabout junctions.

With the general form, design and detailing now being considered acceptable, the link between the existing and proposed, whilst not an ideal solution, needs to be balanced against the wider economic benefits that this proposal would bring to the town. In view of this, and given the significant improvements that have been made to the overall design of the scheme it is not considered that this element of the design is significantly detrimental or sufficient to warrant a refusal of the application.

In terms of the materials a mix of red bricks to match the existing brickwork and render are proposed with a long strip standing seam metal roof. The site is located within the Town Centre where there are a mix of materials in use on surrounding buildings. Whilst the Millers Walk shopping precinct is constructed in red brick with a pantile roof, the mix of materials proposed on the extension are considered to be acceptable. In addition, full details of materials can be conditioned so that they are agreed prior to the first use on site.

It is considered that on balance the proposal is acceptable in design terms and broadly compliant with Policy EN4 of the North Norfolk Core Strategy.

#### 4. Heritage

The site is located in a prominent location within the Fakenham Conservation Area. In respect of the effect of the development on Conservation Areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This is coupled with the requirements of Core Strategy Policy EN 8, which requires development to preserve or enhance the character and appearance of a Conservation Area. Furthermore, the NPPF requires a balanced judgement to be made as to the public benefits of a proposal if 'less than substantial harm' is deemed to have been caused to the significance of a heritage asset, in this instance the Fakenham Conservation Area and setting of adjacent listed buildings.

Whilst the host building is not of any particular architectural or historic merit, given the sites heritage context the proposed development should successfully assimilate into the Fakenham Conservation Area and ensure that the proposal will not result in harm being caused to this heritage asset (the Conservation Area) or to the setting of adjacent listed buildings. Following withdrawal of the previous applications (PF/17/2171 and PF/17/1487), Officers have had numerous and detailed discussions with the agent in relation to the design of the proposed extension, as addressed under the 'Design' section of this report above.

As explained, the general form, design and detailing are now considered to be broadly acceptable, given the significant improvements that have been made to the overall design of the scheme. However, the link between the existing and proposed building is not considered ideal and given the prominent position of the site it is considered that the proposal would result in less than substantial harm to the heritage assets (Fakenham Conservation Area and setting of adjacent listed buildings), although this will be minimal, however, it needs to be assessed.

Under the requirements of paragraph 196 of the NPPF the Local Planning Authority has to consider the public benefits of the proposal in relation to the harm that may be caused. In this case the public benefits of this proposal are considered to be in relation to the following as provided by the applicant's agent:

- A national retailer has identified this proposed unit as their preferred location to expand in Norfolk. However, should this retail unit not be available to them, it is likely that the retailer will seek other opportunities in Market Towns outside of North Norfolk
- Open floor plate retail units of this size are rare in the town but are required to attract modern retailers. There is unlikely to be any other opportunity to provide a unit of this size in the Town Centre and opportunities in other Town Centres in North Norfolk are limited.
- The sustainability of Millers Walk requires retailers who will take longer leases and which will attract shoppers to the centre and all the shops in the centre.

- The success of Millers Walk as a shopping centre is inextricably linked with the success of Fakenham Town Centre. The retail offering in Millers Walk is essential for the vitality and viability of the town centre and the future of Fakenham
- The new retail unit will not only provide job opportunities including the retailer employing what equates to between 10 and 15 full-time staff but it will help secure employment and economic benefit to Fakenham and this part of North Norfolk.

On balance, it is considered that whilst less than substantial harm is found to the heritage assets, these would be outweighed by the public benefits arising from the scheme as set out above. On balance therefore, the proposal is considered to comply with Policy EN8 of the Core Strategy and paragraph 196 of the NPPF.

#### 5. Highway safety

In respect to access and car parking arrangements, the proposal would remain unchanged to that approved under planning application (PF/15/0452). The physical position of the extension will result in the existing access to the north east of the site, onto White Horse Street, being separated from the parking provision on the site. This access would be used solely for deliveries and servicing only, to the north of the Millers Walk complex. As a result the remaining car parking area to the south of the application site will be served from one point of access/egress onto Cattle Market Street, to the south, and then onto Bridge Street only.

Access aside, the additional 500sqm net sales area being created would generate a requirement under the Council's adopted parking standards for 1 car parking space for every 20sqm gross floor space. The proposed development would therefore generate a requirement for 25 car parking spaces for the gross ground floor area of the premises. The new retail floor space being created will actually lead to a loss of approximately 29 existing car parking spaces and therefore result in a net loss of up to 54 car parking spaces in total.

However, whilst the proposal would result in the loss of car parking, which is a concern to the Highway Authority, given the location of the site within the Town Centre enabling access to other car parking facilities and public transport links, the Highway Authority also consider there to be positive benefits including the reduction in the use of the access onto White Horse Street by private cars entering the car park from that direction. The Highway Authority considers that restricting the use of the northern access to deliveries as proposed, would reduce existing congestion and delays close to a busy intersection where vehicles waiting to enter the sites access need to cross queuing northbound traffic waiting to enter the roundabout which causes delays to vehicle flows at the roundabout. The proposal is therefore considered to be acceptable in terms of car parking.

In terms of the Unilateral Planning Obligation that was associated with the previous application (PF/15/0452), this required the developer to use 'reasonable endeavours' to secure the provision of an alternative access prior to the commencement of development. It is understood that whilst 'reasonable endeavours' were used this did not result in the agreement of third party landowners to such a proposal.

As the Unilateral Undertaking, under application PF/15/0452, could not be secured the Highway Authority have explored the request of Fakenham Town Council, under this current application (PF/18/1720), to reopen the junction of Cattle Market Street onto Whitehorse Street from the southerly direction only, to northbound traffic on Whitehorse Street.

In discussion with the County Council Network Safety Team the Highway Authority consider this suggestion has merit as it would:

- address the loss of parking and the increased use of Cattle Market Street from Bridge

Street, by bringing traffic into the car park from the roundabout to the south on Whitehorse Street

- negate the need to turn right across opposing traffic flows
- with exit movements via Bridge Street, potentially creating a one way route
- reducing conflicting movements in this area

This proposal has been suggested to the applicants and clarification sought as to whether they would agree to provide this as part of this application.

The applicant has suggested that the same Unilateral Undertaking as proposed under PF/15/0452 is agreed. However, officers consider that as it was not possible to secure the highway improvements under the previous Unilateral Undertaking with the third party landowner, and taking into consideration that landowners have not changed it is unlikely that this would ever be secured. Further, the applicant's agent has advised that they understand the desire to explore the Town Council's request, but that improving Fakenham's vehicle circulation is not connected to this application. The agent has also advised that due to the financial constraints of this scheme such a proposal would result in the additional retail unit becoming unviable.

Under paragraph 54 of the NPPF '*Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition*'. Under the previous two applications the Highway Authority have raised no objection subject to a condition being imposed regarding developer funded enhanced signage advising drivers of routes to alternative parking in the vicinity.

Under paragraph 56 of the NPPF '*Planning obligations must only be sought where they meet all of the following tests*':

- a) *Necessary to make the development acceptable in planning terms*
- b) *Directly related to the development; and*
- c) *Fairly and reasonably related in scale and kind to the development*

Under the previous two applications, despite the loss of car parking, the Highway Authority had requested a condition be imposed on any approval seeking a developer funded scheme of enhanced car parking signage be provided to assist in providing clear direction to this car park and other alternative car parking available in the vicinity for the benefit of customers visiting this site and other town centre uses. With consideration of the benefits and developer funded enhanced signage scheme the Highway Authority did not raise an objection to the previous applications. In view of this it is not considered that the alterations to the Cattle Market Street and Whitehorse Street junction are necessary to make the development acceptable in planning terms.

The Highway Authority have confirmed that whilst they are disappointed that the applicant is not willing to revisit the access arrangements that they are unable to resist the development proposed and have raised no objection to the current proposals for consideration, subject to imposition of the condition relating to a developer funded scheme of enhanced car parking signage.

It is therefore considered that the proposal is acceptable in terms of access and car parking and complies with Policies CT5 and CT6 of the Core Strategy.

## 6. Amenity

Given the distances between the proposed development site and any nearby residential dwellings, it is not considered that the proposal would have any detrimental impact upon the amenity of nearby dwellings. The proposal is therefore considered to comply with Policy EN4 of the Core Strategy.

## 7. Environmental Considerations

Environmental Health have been consulted on the application and have raised no objection subject to a condition being imposed on any approval granted regarding the submission and approval of a scheme for the control of noise and odour prior to the installation of any plant or equipment in association with the proposed retail unit. An advisory note is also required in relation to potential contaminants being found on the site and that if so construction work should cease. The proposal is therefore considered to comply with Policy EN13 of the Core Strategy.

## 8. Other material planning considerations

UK Power Networks were consulted on previous applications and raised no objection. An advisory note was requested on any approval to remind the applicant of the existence of both the electricity substation and associated underground cables near the northern elevation of the building. A trial hole would need to be dug to establish depth of cables.

In addition the Norfolk Fire Service had also been previously consulted raised no objection subject to a condition requiring the supply and installation of a fire hydrant (the cost of which to be met by the applicant).

It is considered that these consultation responses are still applicable to this current application.

## 9. Conclusion

The principle of the proposal in this location is considered to be acceptable, and the most sequentially preferable site given it is located within the Town Centre and adjacent to the Primary Shopping Area. In addition, it is well related to the main shopping area of the town and in a sustainable location, with good transport links and car parking.

The design is considered to be broadly compliant with Policy EN4 and whilst it is considered that the proposal would result in some harm to identified heritage assets this harm would be less than substantial and the public benefits of the proposed development are considered to outweigh the level of the harm.

Whilst the Highway Authority had requested that the opening up of Cattle Market Street and Whitehorse Street junction to one way traffic be explored the applicants have declined to do so. Supported by Officers it is not considered that such a request would comply with the Planning Obligation tests set out in this report. Therefore, the Highway Authority have confirmed that they are not able to object to the application on this matter and that they have no objection to the loss of car parking in this town centre location.

The proposal is considered to be acceptable in terms of amenity and environmental considerations.

The proposal complies with Policies SS1, SS5, EC5, EN4, EN8, EN13, CT5 and CT6 of the Core Strategy and paragraphs 80, 85 and 196 of the NPPF.

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

1. Time limit
2. In accordance with approved plans
3. Details of materials being agreed prior to first use
4. Developer funded scheme of enhanced car parking signage
5. Supply and installation of a fire hydrant
6. Use of building for A1 retail only
7. External lighting details to be approved prior to installation

(2) **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.

A decision on the application was deferred at the meeting of the previous Development Committee (held on 28 March 2019) for a site visit, which subsequently took place on 4 April 2019.

## REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr N Smith due to concerns raised locally in regards 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

(3) **NORTH WALSHAM - PF/18/2318 - Subdivision of existing five-bedroom dwelling property into two 3-bedroom houses and a 2-bedroom bungalow; 8A New Road, North Walsham, NR28 9DF for Mr & Mrs Godden**

**Minor Development**

**- Target Date: 14 February 2019**

Case Officer: Mr C Reuben

Full Planning Permission

**CONSTRAINTS**

SFRA - Areas Susceptible to Groundwater Flooding

SFRA - Risk of Flooding from Surface Water + CC

EA Risk of Flooding from Surface Water 1 in 1000

EA Risk of Flooding from Surface Water 1 in 100

LDF - Settlement Boundary

LDF - Residential Area

EA Risk of Flooding from Surface Water 1 in 30

C Road

RELEVANT PLANNING HISTORY for 8A New Road, North Walsham, NR28 9DF

PLA/19970747 PF

8A New Road, North Walsham, NR28 9DF

REPLACEMENT GARAGE/STORE AND 2-STOREY EXTENSION

Approved 05/08/1997

**THE APPLICATION**

The application proposes subdivision of the existing property into a terrace of three properties, two two-storey (three-bedroomed) and one single-storey (two-bedroomed) along with the associated subdivision of the existing rear garden.

At present, the site consists of a single large detached two storey property (previously extended with the addition of single-storey and two-storey side extensions), with a sizeable rear gardens and front parking/turning area. Neighbouring properties sit to the east and west, with a recreation ground to the south. The front of the site is bounded by close-boarded fencing and a hedge.

**REASONS FOR REFERRAL TO COMMITTEE**

At the request of Cllr P Moore regarding matters of design/local character and housing delivery.

**PARISH/TOWN COUNCIL**

North Walsham Town Council - No objection.

## REPRESENTATIONS

Two representations have been received, one commenting on the application and one in support.

Comments raised:

- Side windows facing 8 New Road should be obscure glazed, as should the new front door to avoid loss of privacy/intrusion.

Supporting comments raised:

- A large, under-occupied house, ideal access to the town and entirely in-keeping with the changing character of New Road.
- Beneficial if the gardens are subdivided rather than one large area with multiple users.
- The front garden has been an eyesore for many years and would benefit from being tidied up.

## CONSULTATIONS

Norfolk County Council (Highway - Broadland) - No objection following the receipt of an amended site layout plan.

Landscape Officer - No objection.

## HUMAN RIGHTS IMPLICATIONS

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

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

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

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, 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):

SS 1 - Spatial Strategy for North Norfolk

SS 3 - Housing

SS 1 - Spatial Strategy for North Norfolk

SS 10 - North Walsham

EN 4 - Design

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

## MAIN ISSUES FOR CONSIDERATION

Principle  
Design  
Residential amenity  
Highway impact

### APPRAISAL

#### 1. Principle:

The site in question lies within the Development Boundary of North Walsham and within the designated Residential policy area, as defined under Policy SS 3 of the adopted North Norfolk Core Strategy. Within this area, proposals to subdivide existing dwellings are considered to be acceptable in principle, subject to compliance with other relevant Core Strategy Policies. This being the case, the principle of the proposed development is accepted.

#### 2. Design:

Very few external alterations to the building are proposed, amounting to relatively minor fenestration changes including new entrance doors/porches to serve the newly created dwellings. None of these alterations raise any particular design concerns.

The existing property is large and sits within a sizeable plot. Such an arrangement is typical along the southern side of New Road. By contrast, the northern side of new road consists of a denser form of development, including new retirement apartments currently under construction. The density, form and character of the surrounding settlement must be taken into account, as accentuated by Paragraphs 3.3.2-3.3.3 of the adopted North Norfolk Design Guide. As stated above, it is considered that there is a strong linear form of large detached properties sitting in large gardens on the southern side of New Road. Subdividing the existing property would result in a terrace of three properties, a form of development not currently found on the southern side of New Road presently. The dwellings would have narrow rear gardens and taking into consideration the required levels of parking, would have a cluttered frontage parking arrangement. It is acknowledged that the garden sizes proposed would be adequate in size and further that the development offers two additional smaller units of housing. However, the proposed subdivision would result an overly dense and cramped form of development that would not conform with the immediate built form and character and could set an unwelcome precedent for similar such development along New Road. As such, it is not considered that the proposed development meets the requirements of Core Strategy Policy EN 4.

It is acknowledged that planning permission was granted in 2009 for a development of 11 dwellings at 4 and 6 New Road, but this has not been built out.

#### 3. Residential amenity:

One new first floor window is proposed facing to the west, and this is proposed to be fitted with obscure glazing. Three rooflights are proposed in the east-facing roof slope of the proposed single-storey dwelling but are high level and as such, raise no amenity concerns. Although the occupancy of the building will increase, it is not considered that the proposed development would have any more impact upon neighbouring residential properties than that which could currently occur and as such, the development complies with Policy EN 4 in respect of neighbouring amenity.

#### 4. Highway impact:

The proposed parking arrangement is tight within the site, however, the agent has provided a plan with vehicle tracking to demonstrate that adequate parking and turning could be achieved. However, it remains the view of officers that the space available is tight adding to the sense of overdevelopment and resulting detrimental visual impact on the wider street scene. In addition, there are foreseeable problems regarding delivery vehicles, visitor parking and resulting problems if cars are not parked properly within their designated spaces. However, as the Highway Authority have raised no further objection, it is considered that the proposed development is compliant with Policies CT 5 and CT 6.

#### 5. Conclusion:

It acknowledged that the proposed development site lies within the development boundary of North Walsham and would provide a net gain of two dwellings. However, taking account of the requirements of Policy EN 4, it is considered that the proposed development would result in an overly cramped form of development that would not be in-keeping with the form and character of the existing settlement and street scene along the southern side of New Road.

#### **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:

#### EN 4 - Design

The proposed subdivision of the existing dwelling, associated subdivision of the external amenity area and cramped parking arrangement, is considered to represent overdevelopment that does not conform to the density, form and character of the immediate street scene and settlement. The development is therefore considered to be contrary to Policy EN 4 of the adopted North Norfolk Core Strategy.

#### (4) **APPLICATION RECOMMENDED FOR A SITE INSPECTION**

A site inspection by the Committee is recommended by Officers prior to the consideration of a full report at a future meeting in respect of the following application. The application will not be debated at this meeting.

Please note that additional site inspections may be recommended by Officers at the meeting or agreed during consideration of report items on this agenda.

#### **LEATHERINGSETT – PF/18/1980 - Erection of single-storey detached dwelling, garage, associated engineering works and change of use of agricultural land to form residential curtilage; land off Thornage Road, Letheringsett for Mr Raven**

#### REASON FOR REFERRAL TO COMMITTEE:

At the request of the Head of Planning given the complexity of the site, and to expedite the planning process.

#### **RECOMMENDATION:-**

**The Committee is recommended to undertake the above site inspection.**

(This is in addition to the site inspections in respect of Happisburgh PF/18/2188, PF/19/0103 and PF/19/0350 which were agreed at the meeting on 28 March).

## **APPEALS SECTION**

### **(5) 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

**WIVETON - PF/18/1664 - Creation of access and provision of 2 no. parking spaces; Dolphin Cottage, Chapel Street, Wiveton, Holt, NR25 7TQ for Mr Travis**  
FAST TRACK - HOUSEHOLDER

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

None.

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

**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, Smallburgh 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**

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

**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**

**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  
APPEAL DECISION:- APPEAL DISMISSED**

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

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

**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**

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

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

None.



<b>Application Number: PF/17/2178 &amp; LA/17/2179</b>	<b>Appeal Reference:</b> APP/Y2620/W/18/3199236 (Appeal A – planning) APP/Y2620/Y/18/3199287 (Appeal B – Listed Building Consent)
<b>Location: The Stewards House, 27 Front Street, Binham, NR21 0AL</b>	
<b>Proposal: Oak Frame Garden room</b>	
<b>Officer Recommendation: Refuse</b>	<b>Member decision (if applicable): N/a</b>
<b>Appeal Decision: Upheld</b>	<b>Costs: N/a</b>
<p><b>Summary:</b> The main issues the Inspector considered was:</p> <ul style="list-style-type: none"> <li>Whether the proposal would preserve the Grade II listed building or any features it possess.</li> </ul> <p>The Inspector noted the modest height and footprint of the proposed garden room and the siting to the rear of the property outside of public viewpoints. He considered that the use of timber and glass would be lightweight in appearance. He also noted the clear distinction between new and old fabric. The loss of some historic fabric was noted but it was considered that this was a minor intervention.</p> <p>The Inspector considered that the proposal would preserve the special interest and significance of the listed building with a design, form, scale and siting that would respect the architectural importance and historic features of the listed asset.</p>	
<p><b>Relevant Core Strategy Policies:</b> EN4 – Design EN8 – Heritage HO8 – Extensions to dwellings</p>	
<p><b>Relevant NPPF Sections/Paragraphs:</b> 196</p>	
<p><b>Learning Points/Actions:</b> N/a.</p>	

<b>Application Number: PF/18/0229</b>	<b>Appeal Reference:</b> APP/Y2620/W/18/4321428
<b>Location: Adjacent to 24 Green Lane, Pudding Norton, Fakenham, Norfolk NR21 7LT</b>	
<b>Proposal: Erection of 2no two storey houses and one bungalow constructed as affordable houses</b>	
<b>Officer Recommendation: Refuse</b>	<b>Member decision (if applicable): N/a</b>
<b>Appeal Decision: Dismissed</b>	<b>Costs: Partial award against the Council</b>
<p><b>Summary:</b> The main issues the Inspector considered were:</p> <ul style="list-style-type: none"> <li>the effect the proposed development on <ul style="list-style-type: none"> <li>(a) the living conditions of future occupants of the development with particular regard to the provision of private external space and</li> <li>(b) parking provision.</li> </ul> </li> </ul> <p>Living conditions for future occupiers: The Inspector noted the surrounding context and character of the area but also noted that the amount of external space for each property would be small compared to the rest of the estate and would provide limited practical use. He noted the appellant's argument that the dwellings amenity area would exceed the requirements of the Design Guide, but also noted that several of the dwellings had amenity space to the front of the properties which</p>	

was unlikely to be private in any event. As such, he found that the development would have a negative effect on the living conditions of future occupiers with regards to the provision of private external space and found it contrary to policy EN4.

**Parking provision:**

The Inspector noted that the estate contains around 40 properties, most of which do not have formal off-street parking in terms of dropped kerbs and parking in front gardens. He also noted that informal parking takes place in front of some properties where access off the road is possible, while a large area of open space to north of the appeal site is evidently used for off-street parking and that informal parking also takes place on the grass verge on the north-west corner of the site. Further he noted that the estate road is quite wide and allows for on-street parking along much of its length. The informal parking arrangements also provide a reasonable amount of space although it appears to be unauthorised.

However, he went on to note that the development would prevent the return of residential parking within the main part of the site, but felt there was little evidence that such a return would be likely. He noted the loss of 2-3 spaces on the grass verge, but considered that this is an informal arrangement and appears to be unauthorised. As such, its displacement carried little weight in his decision. The development would provide a total of 6 off-street spaces, which he considered would seem sufficient for the size and number of units and limit the likelihood of future occupiers parking elsewhere. He did not agree that parking should have formed a reason for refusal of the application.

**Planning Balance:**

The Inspector noted that the dwellings were to be provided for affordable housing and that the Council could demonstrate a 5 year housing land supply. He also noted that there was a local need for affordable housing and that the development promoted reuse of a brownfield site. However, he also noted that the limited number of dwellings proposed moderates the benefits in terms of affordable housing provision and he felt that the development of 3 houses would be cramped in terms of external space provision and would not be a suitable, appropriate or optimal use of the site. He therefore concluded that the application should be refused.

**Costs decision:**

It was in relation to the displacement of parking that the Inspector found in favour of the appellant's costs decision. He stated that while the development would prevent parking within the appeal site, he was not provided with any evidence to demonstrate that there is legal right or obligation on the landowner to allow residents to use the garages and forecourt area for parking. The Council did not demonstrate at appeal stage that residents should still be using the garages and forecourt for parking. Moreover, the current parking on the grass verge within the north-west corner of the site is evidently informal and unauthorised. While it is apparent that there are some parking problems within the estate and local residents objected to the appeal on this basis, it was not demonstrated that the development of the appeal site would worsen this situation. Therefore, the Council did not provided evidence to substantiate its first reason for refusal on appeal which amounts to unreasonable behaviour.

**Relevant Core Strategy Policies:**

EN4 – Design

**Relevant NPPF Sections/Paragraphs:**

None

**Learning Points/Actions:**

N/a.

<b>Application Number: PU/18/0398</b>	<b>Appeal Reference: APP/Y2620/W/18/3206182</b>
<b>Location: Agricultural Buildings, Westgate Farm, Warham Road, Binham, Norfolk NR21 0DQ</b>	
<b>Proposal: Conversion of two general purpose agricultural buildings to two dwellings</b>	
<b>Officer Recommendation: Refuse</b>	<b>Member decision (if applicable): N/a</b>
<b>Appeal Decision: Dismissed</b>	<b>Costs: N/a</b>
<p><b>Summary:</b> The main issue the Inspector considered was:</p> <ul style="list-style-type: none"> <li>Whether the proposal falls within the provisions for permitted development under Schedule 2, Part 3, Class Q of the GPDO, with regard to the extent of building operations.</li> </ul> <p>The Inspector noted that the proposed development would replace all of the external surfacing with timber boarded walls and a metal roof, while several windows and doors would be inserted into each elevation. The structural survey submitted with the application identified that the steel frame and concrete flooring are in good condition and capable of being retained. The survey considers that the steel frame could cope with the weight of new external materials while the first floor could be supported independently off the concrete flooring. The Inspector found no reason to disagree with the survey's findings.</p> <p>However, he did consider that the extent of the building operations proposed would mean that only the skeletal structures of the existing barns would remain. He considered that whilst the barns may be currently enclosed on all sides, the development would require the complete replacement of external cladding and roofing in order to make them capable of functioning as dwellings. He considered that this would in effect be starting afresh rather than a conversion and so would go beyond what could be regarded as reasonably necessary.</p> <p>He therefore concluded that the proposal would not comply with the requirements set out in Schedule 2, Part 3, Class Q(b) and Q.1(i) of the GPDO and so would not constitute permitted development.</p>	
<b>Relevant Core Strategy Policies:</b> N/a	
<b>Relevant NPPF Sections/Paragraphs:</b> N/a	
<b>Learning Points/Actions:</b> N/a.	

<b>Application Number: PF/17/2015</b>	<b>Appeal Reference: APP/Y2620/C/18/3201738 (Appeal A – enforcement) APP/Y2620/D/18/3202731 (Appeal B – planning)</b>
<b>Location: 6 Whitelands, Fakenham NR21 8EN</b>	
<b>Proposal: Extension to annexe</b>	
<b>Enforcement Notice: permanently remove the single storey rear extension in a legal and responsible manner</b>	
<b>Officer Recommendation: Approve</b>	<b>Member decision (if applicable): Refuse</b>

<b>Appeal Decision: Upheld Planning permission granted and enforcement notice quashed</b>	<b>Costs: N/a</b>
<p><b>Summary:</b> The reasons given for the Council’s decisions include the “detrimental impact on the residential amenities of the neighbouring property”. It is unclear from this what planning harm is considered to arise. Upon reading the Development Committee minutes it becomes evident that Members were concerned with several factors including the development being built in a position where it covers an existing window of the neighbour’s garage. As the Council acknowledges, it is a private law matter between neighbours if the extension is attached to the neighbouring garage without their consent. It does not influence the planning considerations nor do any ensuing drainage and building control issues. The only planning matters raised concern the design of the extension and light to the neighbouring garage.</p> <p>The main issues the Inspector considered was:</p> <ul style="list-style-type: none"> <li>• the character and appearance of the surrounding area; and</li> <li>• light to the neighbouring garage.</li> </ul> <p>The Inspector considered that given its low height and small size and scale, the extension is subservient to the main dwelling and its simple form and materials are compatible. He considered that whilst it is sited in a position where it is attached to the neighbouring garage there is no visual harm that arises. He therefore found no harm to the character and appearance of the surrounding area to bring the extension into conflict with Policy EN 4.</p> <p>It was noted that the appellant contends that the neighbouring garage window was already blocked up. Whether it was or not, the Inspector considered that a garage is not a habitable room and so there will be no adverse effect on living conditions. As such he found insufficient basis to conclude that planning harm arises.</p> <p>Planning permission was granted and the enforcement notice quashed.</p>	
<b>Relevant Core Strategy Policies:</b>	
EN4 – Design	
<b>Relevant NPPF Sections/Paragraphs:</b>	
N/a	
<b>Learning Points/Actions:</b>	
N/a.	

<b>Application Number: PO/18/0061</b>	<b>Appeal Reference: APP/Y2620/W/18/3210284</b>
<b>Location: Highgate, Norwich Road, Holt, NR25 6SW</b>	
<b>Proposal: Erection of single storey dwelling</b>	
<b>Officer Recommendation: Refuse</b>	<b>Member decision (if applicable): N/a</b>
<b>Appeal Decision: Dismissed</b>	<b>Costs: N/a</b>
<p><b>Summary:</b> The main issue the Inspector considered was:</p> <ul style="list-style-type: none"> <li>• the effect of the proposal on the living conditions of neighbouring occupiers with regard to outlook and overshadowing</li> </ul> <p>The Inspector noted the confines of the site and decided that any new dwelling would have to be located close to the eastern boundary of the appeal site, in order to ensure that</p>	

adequate parking, turning and access /visibility requirements could be met. In light of this, she concluded that due to the constrained nature of the site it would be highly unlikely that a pitched roof dwelling, of suitable design, could be achieved without unacceptably overshadowing a significant part of the small rear garden to 8 Lodge Close. By reason of the inevitable close proximity of any new dwelling to the eastern boundary of the appeal site, she also considered that the proposal would create an undue sense of enclosure and poor outlook for residents of adjacent properties.

Furthermore she found that future residents of the proposed dwelling would have a poor standard of amenity, with windows facing a fence, a noisy main road or a parking area. They would have no private amenity space unless the open side garden was enclosed, which would in turn be harmful to the character and appearance of the area.

She concluded that the development would significantly harm the living conditions of both neighbouring occupiers and future occupiers of the development. Whilst it would provide new housing on a small site, and would generate some modest economic benefits she did not consider this to outweigh the arising harm and she found the proposals contrary to policy EN 4 of the Core Strategy.

**Relevant Core Strategy Policies:**

EN4 – Design

**Relevant NPPF Sections/Paragraphs:**

None

**Learning Points/Actions:**

N/a.

**Sources:**

Sarah Ashurst – Development Management Manager