

**BEESTON REGIS - PF/19/1315 - Erection of single-storey dwelling; Land to the rear of, 4 Meadow Cottages, Beeston Regis, Sheringham, Norfolk, NR26 8EX for Mrs Barnes**

**Minor Development**

**- Target Date: 18 October 2019**

Case Officer: Mr D Watson

Full Planning Permission

**RELEVANT SITE CONSTRAINTS**

- LDF Tourism Asset Zone
- 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 30
- EA Risk of Flooding from Surface Water 1 in 100
- Landscape Character Area
- LDF - Countryside
- LDF - Residential Area
- Scheduled Ancient Monument (the site is outside the SAM zone)
- Conservation Area
- LDF - Settlement Boundary
- Undeveloped Coast

**RELEVANT PLANNING HISTORY**

PO/10/105: Land North East of 4, Meadow Cottages, Beeston Common, Sheringham. Erection of single-storey dwelling. Refused 24/12/2010

PF/11/1070: Land adjacent to 4 Meadow Cottages, Beeston Common, Sheringham. Erection of single-storey dwelling. Refused 14/10/2011. Appeal allowed 29/06/2012

**THE APPLICATION**

A single storey dwelling is proposed on land to the rear of 4 Meadow Cottages. An existing outbuilding located between 4 Meadow Cottage and the proposed dwelling would be retained and re-used as part of the dwelling. The proposed building would be of a contemporary style with a section with a mono-pitch roof to part and a section with a flat roof that would be lowered into the ground by approximately 1 metre. Access to the site would be from Church Lane a section of which is unmade, and would run alongside the eastern boundary of the site

The application site shares boundaries with 4 Meadow Cottage to the south, Frogs End to the west and 99 Church Lane to the north.

**REASONS FOR REFERRAL TO COMMITTEE**

Cllr Sarah Butikofer has requested a committee for the following reasons:

Although the previous application on the site was allowed by the inspector following rejection by the planning department (in 2010) and the Development Committee (in 2011) on two previous occasions, she considers the application should be determined in its own right as significant changes have been made since.

Since the last application land in close proximity to the site has been scheduled by Historic England (2017), and in relation to this, para 190 of the NPPF should be taken into consideration. Cllr Butikofer considers the application is therefore also contrary to policy EN of the Core Strategy

## PARISH/TOWN COUNCIL

Beeston Regis Parish Council: whilst the previous application (PF/11/1070), was allowed on appeal, the PC maintain their objection as before - the development is out of keeping with the area and is cramped. They request that if NNDC are minded to approve this application, in addition to the conditions imposed by the Inspector under appeal Ref: APP/Y2620/A/12/2169133, notice should be taken of the advice given by the Norfolk County Council Community and Environment Services (Ref:9/1/19/1315) 2nd September 2019 and English Heritage Ref: PO1103770

Sheringham Town Council: comment that NNDC refused planning application PF/11/1071 in October 2011 and cited Core Strategy policies SS1, SS3 and EN4 as being relevant. NNDC went on to say that the proposed dwelling by virtue of its floor area, position on the site and close relationship to neighbouring properties would result in a cramped form of development which would not be compatible with the form and character of the area and surrounding properties.

The TC consider this revised application does not address any of the above issues. Furthermore, since the previous application, the land immediately adjacent to the east and south of the site has been scheduled by Historic England (2017). It is also noted that the site is within a conservation area and reference is made to paragraphs 194 and 196 of the NPPF (February 2019) and it is considered that the proposal fails the tests within these paragraphs as well as policy EN 8 of the Core Strategy and as such should be refused. .

Additionally, the TC raise concerns regarding the visual impact that the proposed development would give on the approach to Sheringham

## REPRESENTATIONS

7 received from nearby residents and Norfolk Historic Buildings Trust (as owners of Beeston Priory), with objections summarised as follows:

- What has changed since the last application was refused - site is still near a scheduled monument, in a conservation area and served by a single track lane.
- Reasons for previous refusal are still relevant.
- Since the previous application the land to the east and south of the site has been scheduled by Historic England (in 2017). The site is also within a conservation area. The proposals do not comply with policy EN 8 or the tests in the NPPF at paras 194 and 196 relating to development affecting heritage assets
- .No turning space on the lane for builder's lorries
- Fed up with noise, dust and fumes from building work in the area
- Close relationship with neighbouring properties, cramped form of development and incompatible with the form and character of the area
- The new building is of a modern design and not in keeping with the other properties in this conservation area. and does not sit happily in close proximity to the ruins of an ancient priory and adjacent to old cottages.
- On an exceptionally large plot it should not be necessary to build it so close to neighbouring properties.
- Access to the new build will be from a restricted byway which the public are allowed to use on foot, on horse, cycle or with a horse and cart.
- Loss of trees which will change the wooded aspect of this area.
- Increase in the number of vehicles using a very narrow unsurfaced access road.
- During construction heavy plant and construction traffic will be using the access road which will obviously be ruined
- If it is necessary to 'pile' the building, the vibrations created by this action may cause damage to the structure of nearby dwellings.
- The plan appears to be no different to the previous plan which was rejected.
- Three windows to the west elevation appear to be overlooking 3 Meadow Cottages which will affect the privacy of its occupiers
- Highways state the restricted byway RB3 has no public right for vehicles yet, in the plans, a

hedge bordering RB3 is to be removed to allow for access to a parking area. If there is no right to drive a vehicle on RB3 how can the plan go ahead?

- Removing the garden pond will result in the loss of habitat for frogs, newts and toads.
- Are there restrictions on working times?

## CONSULTATIONS

County Council (Highway): as with the previous applications, (PO/10/1055 and PF/11/1070), have no objection in principle to the proposed development subject to a condition to secure the on-site car parking. They do however wish to make the applicant aware of the following comments received from the Authorities Countryside Officer:

*"The route adjacent to the property, which is its main access route, is registered as a restricted byway, RB3. This means that the public are able to use the route on foot, on horse, cycle or with a horse and cart. There is no public right to drive on the route. The County Council is responsible for maintenance of this route for its public use. We do not have any responsibility to maintain the route for any private rights that may exist i.e. for cars. If damage is caused by vehicular use such that it affects the public right, it is likely that we would approach the private rights users to make good the surface. This public right exists across the full width of the route and this width should not be obstructed. Many restricted byways co-exist with routes that are used by people exercising private rights. Those using the route in a private capacity should exercise due care and attention and pay due regard to the public users of the route".*

Conservation & Design Officer: no objection, given the approval of the previous scheme.

Landscape Officer: notes that the proposal includes significant tree and vegetation removal from the site which will incur notable habitat loss. Of the 13 individual trees and four groups of trees identified on the site, seven individual trees and two groups are required to be removed to facilitate this development. Only two replacement trees are proposed, one to be an oak tree and this does not constitute proportionate mitigation to compensate for the loss of habitat. A more substantial and extensive planting scheme should be a condition of any permission specifically requiring the provision of at least seven new trees (to include at least one oak tree) and replacement mixed native hedgerow to ensure suitable compensatory planting.

Conditions requiring compliance with all measures contained within the submitted Arboricultural Impact Assessment and Arboricultural Method Statement are recommended, along with one relating to external lighting given the sensitivity of the location within Beeston Conservation Area and close to the Scheduled Monument

Historic England: no objection to the application on heritage grounds. They do not have any specific views about the design other than noting that its low profile will help reduce the visual impact of the building on the Scheduled Area and would be happy for the council's design and conservation team to lead on the discussions with regards to form, shape and materials. They are also content for the council to determine the scheme in accordance with local and national planning policy.

## 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

National Planning Policy Framework (NPPF):

Section 2 - Achieving sustainable development

Section 4 - Decision-making

Section 5 - Delivering a sufficient supply of homes

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

North Norfolk Core Strategy (Adopted September 2008)

:

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

SS 3 - Housing

EN 2 - Protection and enhancement of landscape and settlement character

EN 3 - Undeveloped Coast

EN 4 - Design

EN 8 - Protecting and enhancing the historic environment

EN 9 - Biodiversity and geology

EN 13 - Pollution and hazard prevention and minimisation

CT 5 - The transport impact of new development

CT 6 - Parking provision

## MAIN ISSUES FOR CONSIDERATION

- Whether there have been any material changes in the planning circumstances of the site that would mean the proposal which is identical to the scheme allowed on appeal, is unacceptable.

## APPRAISAL

Planning application PF/11/1070 for the erection of a single storey dwelling on this site was refused by the Development Committee, contrary to the officer recommendation to approve the application, at its meeting on 13/10/2011 for the following reason:

*"In the opinion of the Local Planning Authority the proposed dwelling by virtue of its floor area, position on the site and close relationship to neighbouring properties would result in a cramped form of development which would not be compatible with the form and character of the area and surrounding properties, contrary to policies SS 1, SS 3 and EN 4 of the adopted North Norfolk Core Strategy".*

The subsequent appeal against the refusal of planning permission was allowed on 29/06/2012. As the development was not started within 3 years of the date of that decision, the permission has now expired. The current proposed development is identical to that allowed on appeal. As the current development plan was in force at the time, the decision to grant planning permission by the Inspector carries considerable weight in the consideration of this current application.

The only material changes in the planning circumstances and of the surrounding area since the appeal decision are amendments to the National Planning Policy Framework and the scheduling of the land to the east and south of the site as a monument. There also appears to have been no changes to the adjacent dwellings.

The principle of the development was considered acceptable previously and was not one of the reasons for refusal. Similarly it was considered to be acceptable in terms of highway safety and the use of the rough surfaced by both the local planning authority and the Inspector. With regard to the effect on trees, this was not raised by either the local planning authority or the Inspector and there were no tree protection conditions attached to the planning permission. The Inspector considered

the proposal to be acceptable in terms of the effect on the living conditions of the occupants of neighbouring properties and the character and appearance of the area, including the conservation area.

The National Planning Policy Framework was published in March 2012, after the appeal was made. The appeal decision notes that the parties (the local planning authority and appellant) were given the opportunity to comment on any relevant implications, but no response were received. Although there have been changes to the NPPF since it was first published, it is considered none of these are substantive in terms of the consideration of the current application. Paragraphs 194 and 196 of the current version which relate to heritage assets in the consideration of development proposals, are broadly similar to paragraphs 131-134 of the original version. The Inspector took the then relevant paragraphs into account in reaching his decision.

Paragraph 190 of the NPPF states that "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal".

Beeston Priory and land adjoining it were designated as a scheduled monument in 2017 by Historic England. The designated assets consist of the Scheduled Monument of Beeston Regis Priory (List Entry 1004021) comprising an Augustinian Priory of the Order of Peterstone founded in the early 13th century. A scheduled monument is an historic building or site that is included in the Schedule of Monuments kept by the Secretary of State for Digital, Culture, Media and Sport. Monuments are not graded, but all are, by definition, considered to be of national importance. Most scheduled monument entries contain a map. Protection is offered to everything that forms part of the land and buildings within the map boundary unless expressly excluded, as some features are, such as modern-day road surfaces. The application site is not within the map boundary for the scheduled monument.

It is considered that the proposal would not result in any material harm to the setting of the scheduled area. As noted in the appeal decision, the layout of the proposal would not materially extend built development further east than the rear gardens and outbuildings on the east side of Church Lane. The layout would also maintain the open space and boundary planting on the eastern side of the site adjoining the Common which would ensure the overall relationship between built development and the Common and the Monument is preserved. Significant weight also has to be attached to the fact that Historic England, who are a statutory consultee in this case as well as being the body responsible for scheduling, have no objection to the application on heritage grounds and do not have any specific views about the design other than noting that its low profile will help reduce the visual impact of the building on the Scheduled Area. The Council's Conservation Officer has no objection. For the reasons stated it is considered that the proposal is acceptable in terms of policy EN 8 of the Core Strategy and paragraphs 194 and 196 of the NPPF.

The representations received in respect of other matters are noted, but it is considered these do not raise any issues that were not covered by the Inspector in allowing the appeal for the previous application. Approval of the application is therefore recommended subject to the same conditions attached to the appeal decision where still relevant and the inclusion of the advisory note suggested by the County Council in relation to the status of the Restricted Byway stated above. Conditions requiring a planting scheme and compliance measures contained within the Arboricultural Impact Assessment and Arboricultural Method Statement, which were not included in the appeal decision are also recommended.

#### **RECOMMENDATION:**

**APPROVE** subject to conditions relating to the matters listed below and any other considered necessary by the Head of Planning:

- Time limit for implementation

- Approved plans
- Removal of permitted development rights for extensions and alterations to the dwelling, outbuildings and means of enclosure
- External materials
- Large scale details of windows and external doors
- Joinery colour
- External lighting
- Provision of on-site parking and turning
- Archaeology
- Landscaping scheme
- Compliance with Arboricultural Impact Assessment and Arboricultural Method Statement

Final wording of conditions to be delegated to the Head of Planning