

**LANGHAM – PF/19/0667 - Change of use of Outbuilding from use as former Glass Factory and Tourist Accommodation to purposes ancillary to the use of the adjacent buildings as Hotel (C1); Shed to north (adjacent to entrance to hotel), Glass Barn, North Street, Langham for Prowess Ltd**

**- Target Date: 26 June 2019**

Case Officer: Alastair Curran

Full Planning Permission

## **RELEVANT CONSTRAINTS**

Listed Building Grade II

Conservation Area

Contaminated Land

SFRA - Areas Susceptible to Groundwater Flooding

Area of Outstanding Natural Beauty

Landscape Character Area

LDF Tourism Asset Zone

Section 106 Planning Obligations

## **RELEVANT PLANNING HISTORY**

(for Shed to North (adjacent to entrance to hotel), Glass Barn, North Street, Langham

NMA1/14/0107 NMA

The Harper, North Street, Langham, HOLT, NR25 7DH

Non Material Amendment to Planning Permission PF 14 0107 to construction of small lean-to building to house hot water cylinders

Approved 30/04/2019

NMA2/14/0107 NMA

The Harper, North Street, Langham, HOLT, NR25 7DH

Non Material Amendment to Planning Permission PF/14/0107 for removal of walkway cover (internal courtyard).

Approved 16/10/2019

PLA/20060771 LA

FORMER GLASS FACTORY, NORTH STREET, LANGHAM

ALTERATIONS TO BUILDING TO FACILITATE CONVERSION TO HOTEL

Approved 09/12/2008

PLA/20060770 PF

FORMER GLASS FACTORY, NORTH STREET, LANGHAM

CONVERSION AND EXTENSION OF BUILDINGS TO PROVIDE HOTEL AND VILLAGE SHOP AND ERECTION OF TWENTY-THREE HOLIDAY COTTAGES

Approved 09/12/2008

## **THE APPLICATION**

Seeks the change of use of the existing building from a former glass factory and tourist accommodation to purposes ancillary to the use of the adjacent hotel (C1). As the building has not had a material change of use occur, despite planning permission being granted for a village shop previously, the use of the building is considered to still be the former use of the site, prior to the development of the hotel complex.

The application site is located within Langham, which is not identified within the settlement hierarchy of the Core Strategy and is therefore considered to be the Countryside. The site is located adjacent to a hotel to the south, with residential accommodation located to the north, east, south-west and north-west of the application site. The application building is a Grade II Listed Building which is located within the Langham Conservation Area and the Norfolk Coast AONB.

The application has been referred to committee at the request of Councillor Kershaw.

### **PARISH/TOWN COUNCIL**

**Langham Parish Council** - have objected to the proposed development on the grounds that the building was not marketed by a local estate agent or utilised more appropriate signage. The Parish Council have also stated that the proposed rent was excessive and as such the applicant has not satisfied the S106 obligation of the original planning permission for the re-development of the site.

### **REPRESENTATIONS**

Five objections have been received from four individuals raising the following concerns:

- Failure to advertise the premises properly,
- Setting the price of the unit too high,
- Impact on the sustainability and cohesion of the local community,

### **CONSULTATIONS**

**Environmental Health** - Have commented stating that the site and contamination have previously been dealt with and as such raise no objections.

**County Council (Highway)** – No comments received.

**Economic and Tourism Development** - Have raised no objections stating that the proposed rent is realistic and the proposed unit would not result in a relatively attractive proposition. As such, they are supportive of the proposal to bring the unit into use.

### **HUMAN RIGHTS IMPLICATIONS**

It is considered that the proposed development would not raise any significant 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 2018):

Policy SS1 - Spatial Strategy for North Norfolk

Policy SS2 - Development in the Countryside

Policy SS4 - Environment

Policy SS5 - Economy

Policy SS6 - Access and Infrastructure

Policy EN1 - Norfolk Coast Area of Outstanding Natural Beauty and The Broads  
Policy EN2 - Protection and Enhancement of Landscape and Settlement  
Policy EN4 - Design  
Policy EN8 - Protecting and Enhancing the Historic Environment  
Policy EN9 - Biodiversity and Geology  
Policy EC2 - The Re-use of Buildings in the Countryside  
Policy EC3 - Extensions to Existing Businesses in the Countryside  
Policy EC5 - Location of Retail and Commercial Leisure Development  
Policy EC7 - The Location of New Tourism Development  
Policy EC8 - Retaining an Adequate Supply and Mix of Tourist Accommodation  
Policy CT3 - Provision and Retention of Local Facilities and Services  
Policy CT6 - Parking Provision

National Planning Policy Framework (2019):

Section 2 - Achieving sustainable development  
Section 6 - Building a strong, competitive economy  
Section 8 - Promoting healthy and safe communities  
Section 9 - Promoting sustainable transport  
Section 11 - Making effective use of the land  
Section 12 - Achieving well-designed places  
Section 15 - Conserving and enhancing the natural environment  
Section 16 - Conserving and enhancing the historic environment

Spatial Planning Documents/Guidance:

North Norfolk Design Guide

## **MAIN ISSUES FOR CONSIDERATION**

- **Principle**
- **Character and Appearance**
- **Amenity**
- **Biodiversity & Landscape**
- **Highways & Parking**
- **Other Considerations**

### **Principle**

The application proposes a change of use from a former glass factory to an ancillary facility in connection to the existing hotel complex which was originally granted permission under application PLA/20060770. The application site is located within the Countryside as defined by Policies SS 1 and SS 2 of the Core Strategy where by only a limited number of uses are considered to be acceptable in principle. The proposed use to be ancillary to the existing hotel is supported by policy SS 2 through the expansion of an existing business, providing recreation and tourism facilities and generating employment.

Policy SS 5 also supports tourist developments and, given the proposed ancillary function to the adjacent hotel, the proposed development would also be supported by policy SS 5.

Policy EC 2 of the Core Strategy supports the re-use of buildings in the countryside, subject to set requirements. The building would be used to supplement an existing business and given that no structural works are proposed, it is considered the building can be converted without

substantial rebuilding or extensions. Given the requirements are satisfied, policy EC 2 supports the principle of the development.

Policy EC 3 supports the expansion of existing businesses in the Countryside, where they are of an appropriate size and scale and would not result in a detrimental impact upon the character of the area. The proposed change of use is for a small area of approximately 37.5m<sup>2</sup> whilst the application proposes no external alterations to the building. As such the proposed change, when viewed within the context of the surrounding area, is considered to be of a small scale and would not result in any detrimental impact regarding the existing character and appearance of the locality. As such, policy EC 3 also supports the proposed change of use.

Given the overall small size of the building (under 250sqm), policy EC 5 supports the small scale provision of retail developments. Although no retail provision has been explicitly proposed, it is considered that an ancillary retail function, to be used in conjunction with the wider hotel complex, would be acceptable in principle and supported by policy EC 5. Policy EC 7 mirrors the NPPF stance regarding the support for the expansion of existing businesses in rural locations, and as such would support the proposed ancillary function to the adjacent hotel complex which can be conditioned. As such policy EC 7 would support in principle the proposed change of use.

Policy CT 3 resists the loss of local facilities and services. Although no formal change of use has occurred in the application building, resulting in the building retaining its previous use as a glass factory, the application has been accompanied by marketing information showing the building has been actively marketed for 12 months with no prospective tenants forthcoming; (the marketing shall be assessed later in this report). As such, it should be noted that if a change of use had occurred in the premises, policy CT3 would have been satisfied and would support the change of use from a village shop.

Given the above policy support, the proposed change of use is considered to be acceptable in principle, subject to detailed considerations below.

### **Character and Appearance**

The proposed development would see no physical alterations to the existing building, internally or externally. However, a change of use can result in an intensification of the use of the building or a visual impact in regards to the way it is occupied and the footfall it can generate.

The application proposes a change of use to purposes ancillary to the adjacent hotel complex, however it is considered that given its prominent position and west facing glazed fenestration, an active frontage would be beneficial to the streetscene, character and appearance of the locality and setting of the Listed Building. Although no definitive use has been proposed, as discussed on site with the applicant, some form of function room/facility, which could be made available to the wider public and would retain an active frontage, whilst serving an ancillary function to the hotel would be the most desirable use of the building. However, until the hotel is completed, the most effective use of the building is arbitrary as the needs and functions of the hotel are unknown at present.

It is considered, however, that certain ancillary uses would be inappropriate and would likely result in a detrimental impact on the streetscene, such as having the building used as additional guest accommodation would see the building closed off from the street with a dead frontage. As such, it is considered necessary to impose a condition not allowing for the building to be used as guest accommodation, instead allowing for a more communal use with wider public benefits to be explored.

Given the lack of any physical works and a condition restricting the future use of the building, it is considered that the proposed development would have an acceptable impact upon the character and appearance of the streetscene, the setting of the Listed Building and the wider Area of outstanding Natural Beauty. As such, the proposed development is considered to be in accordance with Policies EN 1, EN 2, EN 4, and EN 8 of the Core Strategy, the design guide and the wider aims of the NPPF, specifically Sections 12, 15 and 16 requiring good design and the preservation and enhancement of the natural and historic environments.

### **Amenity**

The application proposes no physical alterations to the building or changes to the existing openings and as such, it is considered to have no detrimental impact regarding overbearing, overshadowing, loss of outlook or invasion of neighbouring property occupiers privacy. Furthermore, given the existing use of the building as a glass factory, a C1 use class is considered to be more appropriate for the neighbouring and adjoining uses. As such, the proposal is considered to be in accordance with policy EN 4 of the Core Strategy, the design guide and the wider aims of the NPPF.

### **Biodiversity and Landscape**

The application proposes no ecological or biodiversity enhancements, however it is considered that given the small scale nature of the proposal and no resulting net loss of biodiversity from the change of use that the original net gain secured from the wider development of the site is still applicable. As such, the proposed development is considered to be in accordance with policy EN 9 of the Core Strategy and the wider aims of Section 15 of the NPPF.

### **Highways and Parking**

The hotel complex is served by a large parking area adjacent to the application building and given the small area subject to this application and the proposed ancillary use, it is considered that sufficient parking is available on site to support the proposed development. Furthermore, access to the site is via the existing entrance to the wider site or from North Street and as such the proposal would make use of existing roads, and given the small scale of the development, would not result in any significant increase in traffic. As such, the proposal is considered to be in accordance with policies SS 6 and CT 6 of the Core strategy and wider aims of the NPPF.

### **Other considerations**

A number of objections have been received in relation to the S106 agreement associated with a separate planning application. Although site histories constitute a material factor when determining planning applications, one plot of land is not bound by a planning consent, meaning one plot of land can be subject to multiple planning applications, irrespective of any extant permission. As such, irrespective of the outcome of this application, the applicants could continue to pursue a village shop if they wished or apply for a different use of the land.

Regarding the specifics of the S106 on the site, the wording of the relevant part states in Schedule Part 1, paragraph 1.5; "Until the development of the Village Shop is completed in all respects in accordance with the Application and is either open for trading or available for opening for trading, no more than fifteen of the Cottages or Barns shall be occupied." The proposed unit has been completed in excess of 12 months and has been marketed for 12 months with no forthcoming realistic interest, as such, in line with policy CT 3 of the Core strategy, the policy requirement for the loss of the village shop (which from a planning perspective never existed on the site as the use was not implemented) would be acceptable in principle. However, the unit has been made available for trading and marketed in line with

the wording of the S106 and the existing development is therefore not in breach of the S106 agreement.

Objections have been received in relation to the marketing of the unit however comments have been received from the economic and tourism team stating the proposed marketing has been carried out at a price which is considered to be appropriate for the size of the unit. Furthermore, it has been raised that by virtue of the small size of the unit, the village shop facility would not constitute an attractive proposition for prospective buyers. This has been corroborated by the marketing information supplied by the applicant, where no genuine interest has been recorded for a period of 12 months.

Although concerns have been raised in regard to the use of an estate agent not local to the area, most marketing and advertising is done online, and the site has been marketed on Rightmove, an internationally reaching site where by 2483 individuals looked at the advert online, and only 12 individuals followed up with an inquiry. Although use of a local estate agent would have been preferred, the LPA cannot dictate who an individual uses to market a premises, as no policy dictates such prerequisites, however, online advertising, email marketing and local display boards have been utilised in the same form as if a local estate agent had marketed the premises. As such, it is considered the applicants have undergone a comprehensive marketing of the unit although the marketing is non-material to the determination of this application.

### **Summary**

In summary, whilst the concerns of the Parish Council and representations are noted and that they wish to see a shop delivered, Officers recognise that the retail environment has shifted significantly since the original grant of planning permission in 2008 such that online food shopping and deliveries from larger stores has made many smaller retail units such as this commercially unviable to operate. On the basis that the proposal accords with Development Plan policy Officers recommendation is one of approval as set out below.

### **RECOMMENDATION:**

#### **Approval subject to the following conditions**

- 1) Three year standard time condition**
- 2) The development shall be carried out with the submitted drawings**
- 3) The development shall remain ancillary to the adjacent hotel**
- 4) The development shall not be used as any form of accommodation**

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