

**SUSTEAD - PF/19/2033 - Demolition of scaffold yard buildings and structures and erection of two detached houses and detached single garages; The Yard, The Street, Sustead, Norwich, NR11 8RU for Wild Boar Properties Ltd**

**Minor Development**

- Target Date: 21 January 2020

Case Officer: Mr D Watson

Full Planning Permission

**RELEVANT SITE CONSTRAINTS**

- Landscape Character Area
- SFRA - Detailed River Network
- SFRA - Areas Susceptible to Groundwater Flooding
- LDF - Countryside
- LDF Tourism Asset Zone
- C Road

**RELEVANT PLANNING HISTORY**

**Scaffold Yard**

PF/19/0603: Change of use of a former scaffold yard to a self-storage facility (B8 Storage) including installation of storage containers & office/welfare unit and laying out of storage compounds.

This application is currently subject of an appeal against non-determination. The officer recommendation was for approval, but the Development Committee, at its meeting on 7 November 2019, resolved that it would have refused the application for the following reasons:

- *In the opinion of the Local Planning Authority the scale of the proposed development in terms of number of storage containers in the compound in combination with lighting and the nature of the use would result in noise and disturbance from general activity and comings and goings that would be harmful to the residential amenity of occupiers of nearby dwellings. The proposal is therefore contrary to adopted Core Strategy Policies EN4 and EN13.*
- *In the opinion of the Local Planning Authority the proposal is for a new business in the area designated as Countryside. It has not been demonstrated that the proposal requires rural location or there is a particular environmental or operational justification as to why it should be located in the Countryside. The proposed development is therefore contrary to policies SS1 and SS2.*

The appeal decision is awaited

PF/18/0140: Change of use from scaffold yard to self-storage facility (Class B8), including installation of storage containers and associated works. Refused 21/03/2018

PF/18/0139: Erection of 2 two-storey detached dwellings with detached garages following demolition of existing scaffold yard buildings & structures. Refused 21/03/2018 for the following reasons:

1. *The proposed dwellings would be within an area designated as Countryside where there is a general presumption against residential development and in a location with no services and poor access to a full range of basic services. The future occupiers would therefore be dependent on the car to be able to reach such services. The proposal would therefore not be sustainable development. In the opinion of the Local Planning Authority there is no justification to permit the erection of the additional dwellings in the Countryside contrary to policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy and paragraph 55 of the National Planning Policy Framework.*
2. *In the absence of a protected species survey, the applicant has failed to demonstrate that the proposed development would not result in harm to any protected species that may be present on, or using the site, or result in a net loss of biodiversity. The proposal is therefore contrary to Policy EN 9 of the adopted North Norfolk Core Strategy.*
3. *In the opinion of the local planning authority, the trees and hedges on the site have some value both in terms of providing screening to the proposed development and the general amenity of the rural location, as well as biodiversity. As a tree survey has not been submitted with the application, there is no indication to the health or life expectancy of the trees and whether or not they would be affected by the proposed development or quantify the amount of vegetation that could be lost. As the proposal may result in the loss of important landscape features, it is contrary to the aims of policy EN 4.*

DE21/16/0928: Erection of 3 two and a half storey terraced houses with cart lodge style garages with the demolition of existing buildings. Advice Given (for pre-apps) 12/12/2016

PLA/20081174: Change of use of land to extend scaffolding yard. Approved 12/02/2009

PLA/20040826: Change of use of agricultural land for construction of access to serve building & construction premises. Approved 30/06/2004

PLA/19900151: Use of yard and barn for building and construction business - Established Use Certificate. Approved 26/06/1990

PLA/19750106: New access for heavy vehicle. Approved 02/05/1975

## THE APPLICATION

Two detached dwellings are proposed. Each would be two storeys with 4 bedrooms. They would include a projecting gable section to the front and rear, with a slightly lower section of roof containing dormers. Proposed external materials include brick and flint to the walls, with tiles to the roofs.

The dwellings would be sited on the north part of the site and their rear elevations would sit on the line of the rear (south) boundary of the existing yard, such that they would not extend any further back than the existing structures and 'buildings' on the site. Two detached single garages are also proposed, which would sit in the north east corner of the site, adjoining part of the boundary with Wendy Cottage. The existing site access would be retained and is unchanged. The existing trees and hedges on the boundaries of the site are retained, with new native hedge planting along the northwest side of the access.

The proposal is very similar to that refused previously (PF/18/0139). The main difference is the omission of the conservatories to the rear of both dwellings and the inclusion of more details regarding the proposed landscaping of the site and the submission of a Preliminary Ecological Appraisal, Tree Survey and Arboricultural Impact Assessment/Method Statement

The site is on the south side of The Street, Sustead which is a small hamlet, the main part of which is at the junction of The Street and Aylmerton Road to the northeast. It comprises a scaffold yard with its gated entrance set back about 35m from the road. The area between the road and the entrance to the yard is a parking and turning area for the scaffold yard, which also provides access to Wendy Cottage. The site has not been used since it went into receivership in 2016.

The front (north) part of the scaffold yard contains a number of portable single storey 'buildings', used for storage, office and staff facilities, and storage racking associated with the former scaffold business. The rear part of the site which is slightly larger, is overgrown with vegetation. Planning permission was granted in 2009 for the change of use of this area to extend the scaffolding yard, but it is not certain if this was ever implemented.

The south, west and part of the east sides of the site are adjoined by agricultural land. Part of the east boundary adjoins the garden of Rosedale which is a dwelling fronting The Street. To the north are two storey dwellings - Wendy Cottage and Forge Cottage. The former shares the vehicular access from The Street and the principle elevation of both properties faces towards it. The main outdoor amenity area for Wendy Cottage is adjacent to part of the boundary to the scaffold yard, with a 1.6m high fence along it.

There is also a former barn that is adjacent to The Street. This was previously used in association with the scaffold yard as offices and storage, but has been converted to a dwelling following planning permission granted in 2017.

The character of the area is primarily groups of dwellings surrounded by farmland

#### REASONS FOR REFERRAL TO COMMITTEE

At the discretion of the Head of Planning and given the recent planning history of the site / Development Committee referral on those matters.

#### PARISH/TOWN COUNCIL

Sustead Parish Council: object and consider none of the reasons stated with regard to policies SS 1 and SS 2 of the North Norfolk Core Strategy for the refusal of the previous application have changed.

It is also considered that the proposal is contrary to a number of policies in the draft Local Plan. Currently however, these carry very little weight.

#### REPRESENTATIONS

13 objections on the following summarised grounds:

- Village does not have sufficient infrastructure or amenities for new dwellings
- Overlooks private dwellings

- If approved would set a precedent for other applications which would fundamentally alter the beauty of this small village.
- Site is within designated countryside where new market housing is not permitted
- Proposal is similar to that refused previously
- Vast increase in footprint of buildings on the site.
- Overdevelopment, proposed houses would be too intrusive and imposing for the village.
- Executive style detached houses that would not be in keeping with the existing traditional flint period cottages and barn
- Would be of no benefit to the village.
- Proposed houses are taller than neighbouring properties and would dominate and overshadow their gardens.
- Siting of the dwellings at the front of the site close to existing properties is odd
- Impact on boundary with Wendy Cottage
- Increased traffic
- No mains drainage in the village, houses would add to a system already full to capacity.
- Would set a precedent for the village and open the door to less sympathetic developments within designated countryside.
- Effect on wildlife

Three of the representations note that they do not object to the principle of dwellings on the site, but feel that those proposed are too large and not in keeping with the village. A more modest single dwelling/family house with a large garden would be more appropriate.

2 in support for the following reasons:

- Would greatly improve the area
- More beneficial to Sustead than a storage yard
- If scaffold yard was to re-start it would be very busy and noisy and not be a suitable neighbour for the surrounding dwellings
- Design of the proposed houses is very attractive and would blend in well with the adjoining houses and village generally.
- Proposal would avoid the risk of the scaffold yard or some other unsuitable use starting on the site.

## CONSULTATIONS

County Council (Highway): no objection, conditions requested. They consider that given the previous uses of the site and the level and type of habitual traffic that it could generate, the impact of the proposal on the public highway is likely to be similar. The site has a good surfaced access having been improved in the past and any objection to the reuse of the site would be difficult to substantiate.

Landscape Officer: notes that whilst the proposal is contrary to policies SS 1 and SS 2, in landscape terms the proposal would not have any adverse landscape or visual impact. The removal of the untidy 'buildings' and replacement by dwellings could result in an enhancement of this part of the village. It is suggested that the buildings could be moved further back into the site to give more parking and amenity space at the front of the dwellings. Unlike the previous application (PF/18/0139) a tree survey and impact assessment has been submitted, along with a protected species survey.

Environmental Health: 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 2 - Development in the Countryside

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

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

National Planning Policy Framework (2019)

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

#### MAIN ISSUES FOR CONSIDERATION

- Principle
- Effect on the character and appearance of the area and landscape
- Effect on protected species
- Effect on the living conditions of neighbours
- Highway safety and parking

#### APPRAISAL

The front (north part) of the site benefits from an Established Use Certificate dated 26 June 1990, certifying its use for a building and construction yard. The certificate also covered the old barn fronting The Street and the access, which at that time ran along the west boundary of the site. Established use certificates were replaced by lawful development certificates in 1992. The effect

and value of any existing established use certificates remains unchanged, but they are not considered to have been made under section 191 of the 1990 Act. The key difference is that old style certificates could certify an established use and provide immunity from enforcement action, but not that the development was lawful. Whilst the certificate refers to a building and construction yard, based on subsequent applications, it is apparent that part of the application site has been used as a scaffolding yard for a considerable period.

Permission was granted in 2004 for a new access to serve the building and scaffold business (applicant was ACS Scaffolding). In 2008 an application was made to extend the "scaffold yard" on land to the rear of the existing business, and permission was granted. Based on what neighbours have said and aerial photos, it is not clear that the extension to the business was ever implemented. There is also no record of condition 2 having been complied with which required the site parking and turning areas to be laid out and demarcated prior to the site being used. Other than a condition requiring the retention of hedges there were no other conditions, such as hours of use, regulating the use of the land. It is understood this land forming the rear part of the site was historically used as gardens but is considered by officers to be in a nil use:

- i) given the length of time since it was last used as domestic garden,
- ii) being long since separated from the dwellings concerned;
- iii) and not implemented as the extension to the scaffold business.

However, the fact that part of the application site could recommence its business uses without the need for permission, or restrictive conditions limiting hours of use for, are material considerations that need to be given some weight when determining the application.

#### Principle

The Council has a land supply for housing in excess of 5 years and the relevant policies for the determination of this application are considered to be up to date and to be consistent with the National Planning Policy Framework (NPPF).

Policy SS 1 sets out the spatial strategy for North Norfolk and identifies main and service settlements where development of varying scales can take place. The remainder of the district, including settlements not listed in the policy, are designated as Countryside. This is the lowest tier of the hierarchy and within it development is restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy.

The types of development acceptable in principle in designated Countryside are listed under policy SS 2. New build, unrestricted open market dwellings, as proposed, are precluded.

The NPPF encourages sustainable patterns of development, specifically with regard to new housing. It states that new isolated dwellings in the countryside should be avoided and encourages new housing to be directed towards those areas that have better access to everyday basic services for future occupiers to avoid reliance on the use of the car. The Core Strategy reflects this approach.

The proposed dwellings would not be physically isolated as there are other dwellings in the immediate vicinity. Instead however, is a very small relatively isolated village/hamlet in itself, with no basic facilities for day to day living. The nearest principle settlement is Cromer about 3.8 miles to the north. The site is therefore functionally isolated. There is no bus service serving the village and roads are narrow, unlit and have no footways. Combined with the distance involved,

walking or cycling to a larger Principle or Secondary Settlement or, Service Village, would therefore not be an option for most people. It is therefore most likely that the occupiers of the proposed dwellings would rely on the private car to access services, facilities and employment. It would therefore not be sustainable development.

Paragraph 78 of the NPPF suggests housing in rural locations should be located where it will enhance or maintain the vitality of rural communities and planning policies should identify opportunities for villages to grow and thrive. In this case however, there are no local services within the village that the development could potentially support and it is considered Sustead does not form part of a group of smaller settlements, where development within it may support services in a village nearby.

There are some benefits associated with the proposal that need to be given some weight. With regard to environmental benefits, it is considered that the front part of the site at least, is previously developed land, although policies SS 1 and SS 2 make no concessions in this respect. Of potentially greater weight is the fact that the proposal would remove the scaffolding yard which is potentially intrusive to local amenity by virtue of such close proximity to adjacent dwellings and some potential for business use to recommence with noise and disturbance arising. An application for the retention of a scaffold yard in Catfield has recently been refused for this reason. If permitted, then the proposal would result in the removal of the existing structures associated with the scaffold yard and the potential harm to local amenity removed.

With regard to other potential benefits, the proposal would give rise to some economic benefits during the construction phase and there would be modest social benefits arising because as a windfall site, the development would boost the supply of housing within the District. Nevertheless, it is considered that these along with the other benefits identified are not sufficient to outweigh the sustainability concerns in relation to the site's location. Moreover, most of these benefits would apply equally to a similar development within a more sustainable location.

The proposal is therefore considered to be contrary to policies SS 1 and SS 2.

#### Effect on the character and appearance of the area and landscape

In landscape terms the proposal could not be considered to cause any adverse landscape or visual impact, indeed the removal of the untidy buildings/structures and replacement with suitable scale and design residential dwellings may result in an enhancement to this part of the village. The trees and hedges on the site have some value both in terms of screening and the amenity of the rural location, as well as biodiversity. Unlike the previously refused application, a tree survey has been submitted with the application, which indicates the health and or life expectancy of the trees and whether or not they would be affected by the proposed development and quantifying the amount of vegetation that could be lost or otherwise.

The proposal would retain the majority of the existing boundary hedges and trees within them. The proposed houses would also be outside the root protection areas of the trees. A small section of hedge is shown to be removed on the west boundary to facilitate the development, but its replacement along with gapping up of the hedges where required, can be secured by condition. It is considered the existing planting would provide filtering of the development in views from the west in which otherwise it would be most apparent, and would not result in the loss of any important landscape features. On that basis it is considered that the proposal complies with policies EN 2 and EN 4

With regard to the design of the proposed dwellings, those in the immediate vicinity are generally small scale, fairly modest in height and scale, and mainly dating from before the 20th Century. External materials are a mix of brick, flint and pantiles to the roofs. The closest dwellings, Forge Cottage and Wendy Cottage, are a pair of semi-detached properties that are sited at an angle to the The Street, whereas others nearby front it, with narrow frontages and plot widths.

The overall height and scale of the proposed dwellings would be slightly greater than that of Wendy Cottage which they would be seen in context with, but not excessively so. They would have a wider frontage than some nearby dwellings but this would be offset by the set back from the road and their siting close to the existing group of dwellings. The roof would be broken up by the use of gables to both the front and rear elevation, and dormers. The plans indicate detail such as brick quoins and the materials proposed would, in principle, be appropriate for the location with a requirement for further details to be submitted via a condition.

Retention of the existing boundary planting would provide some filtering in longer views from the west across the nearby open fields, as previously referred to. It is considered that the proposed dwellings themselves would not result in any substantial harm to the character and appearance of the immediate surrounding area, as such the proposal is acceptable in terms of policy EN 4.

#### Effect on protected species

The proposal would require demolition of existing buildings which have not been used for some time and the clearance of vegetation which has been allowed to grow unmanaged. As the site is close to wooded areas, old buildings and drainage ditches, there is potential for protected species to either be on or using the site. In this case however, and unlike the refused application, a Preliminary Ecological Appraisal (PEA) has been submitted which demonstrates that subject to checking for active bird's nests if works are carried out during the bird nesting season, there is no evidence or potential for other protected or important species on the site. Opportunities for biodiversity enhancement such as bat/bird boxes and the use of native planting are identified in the PEA and these can be secured by conditions. The retention of all of the species-rich boundary hedging as is proposed can similarly be secured by condition. It is therefore considered that the proposal complies with policy EN 9.

#### Effect on the living conditions of neighbours

The proposal would result in the removal of the extant element of the scaffold yard which immediately adjoins Wendy Cottage. Although it does not appear to have caused problems in this respect in the past, the use of the yard is not restricted by any planning conditions and as such it could be taken over by a new scaffold business and used more intensively and with less care for neighbours than previously may have been the case. In this respect it is noted that an application for a scaffold yard at Catfield was refused due to the impact of noise and distance on the living conditions of existing neighbouring occupiers. The proposal would therefore have some benefits in terms of reducing potential noise and disturbance from activity associated with a scaffold yard, and generally would be a more compatible neighbour as already noted.

With regard to the impact from the proposed dwellings and the concerns raised in some of the representations, the proposal is virtually identical to application PF/18/0139 which, although refused, was considered to be acceptable in this respect and in compliance with policy EN 4.

Whilst the two dwellings would be sited to the south of Wendy Cottage it is considered they would be sited far enough back into the site so as not to result in any material impacts with regards to

overshadowing or overbearing. Their principle elevations would be at about 90 degrees to that of Wendy Cottage and it is considered that the separation distance in combination with the acute angle of the view, would be sufficient to ensure there was not an unreasonable loss of privacy.

Wendy Cottage has 3 first floor windows in its south facing flank wall that face towards the site, two of those windows serve bedrooms. The first floor bedroom windows in the front elevation of the proposed dwelling on the east part of the site would face these bedroom windows in Wendy Cottage. Bedroom windows are classed a 'secondary' for the purposes of the North Norfolk Design Guide SPD, which suggests a minimum separation distance of 15 metres, which the proposal generally complies with. The proposal is therefore considered to be acceptable in this respect. The upper floor windows would result in some overlooking of the amenity/patio at the front of Wendy Cottage but given the relatively low level of privacy it currently has, this impact would not in itself warrant refusal.

Garages were proposed in the previous application adjacent to the boundary with Wendy Cottage, although full details of them were not submitted. Currently, a goods vehicle body used for storage sits against the boundary. As proposed, one of the garages would adjoin the boundary with Wendy Cottage and would have an eaves height of about 2.4m and ridge height of about 4 metres with the roof sloping away from the common boundary. This would be likely to reduce some of the outlook from the bedroom windows, but this is out over the site itself. The bedrooms affected are also served by a window in the front elevation and a rooflight to the rear respectively. It is considered that this relationship is acceptable.

The proposed dwelling on the east part of the site would result in some overlooking of the rear gardens of Rosedale and Bridland Cottage from the first floor window to bedroom 2. There is a garden room with terrace to its north side in the rear part of the garden to Bridland Cottage. The rear gardens of these properties are long (about 45m) and as such although there would be some reduction in privacy, the parts of the gardens closest to the rear of the properties where higher levels of privacy are expected, would not be materially affected. Similarly, any overshadowing, which would be later in the day, would only affect the area of garden furthest from these properties. There is also existing planting along the eastern boundary that may provide some screening and results in some shading. Officers consider that any effect on the garden room to Bridland Cottage cannot be given the same weight as the impact on a dwelling. The proposal is therefore considered to be acceptable in terms of policy EN 4.

#### Highway safety and parking

The highway authority has no objections to the proposal. The site is served by a good surfaced and kerbed access which was approved in 2004 and considered suitable to serve the scaffold yard and the goods vehicles associated with it. The lawful use of the site would have generated goods vehicle movements and those associated with employees travelling to the site. Although the pattern of movement would be different for dwellings, the advice from the Highway Authority is that the impact of the proposal on the public highway network would be acceptable. The proposed parking provision would accord with the current adopted standards in appendix C of the Core Strategy as the internal dimensions of the garages would be such that they could be counted as parking spaces. The proposal is therefore acceptable in terms of policies CT 5 and CT 6.

## **Other considerations**

Drainage - the site is not one where there is an identified risk from surface water flooding. Details of the proposals for both surface water and foul drainage could be secured by conditions and on that basis, the proposal is considered to be acceptable in this respect.

Precedent – approval of the application would not set a precedent for further development in the village, unless exactly the same circumstances are applicable elsewhere, this is considered to be unlikely. In any event case law requires that any future applications would need to be considered on their own particular merits.

## **Conclusion**

This application has addressed some of the reasons for refusal of the previous application for two dwellings on the site, i.e. those relating to the potential effect on trees and protected species. It is also considered to be acceptable in terms of the effect on the character and appearance of the area, living conditions, protected species and highway impacts. Furthermore, it would promote in part the redevelopment of previously developed land and the removal of what is potentially a harmful use to the amenity of existing neighbours. These are not however, considered to be sufficient to outweigh the concerns about the sustainability of the location, which renders the proposal being unacceptable in principle. The relative remoteness of the site and absence of any significant level of service are significant material considerations, residents of the proposed dwelling would be heavily reliant on the private car to access day to day services and facilities. Two dwellings would add little in terms of the local economy or indeed to any need to significantly boost local levels of housing supply.

The development is not considered to be in accordance with the requirements of the Development Plan, and it has been concluded that there are no material considerations which would outweigh the policy conflict. Therefore, refusal of the application is recommended.

## **Recommendation**

REFUSE for reasons relating to the matters below

The proposed dwellings would be within an area designated as Countryside where there is a general presumption against residential development and in a location with no services and poor access to a full range of basic services. The future occupiers would therefore be dependent on the car to be able to reach such services. The proposal would therefore not be sustainable development and is contrary to Policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy.

Full wording of reasons to be delegated to the Head of Planning