

<b>ITEM:</b>		<b>RECOMMENDATION:</b> APPROVAL
<b>REF NO:</b>	3PL/2019/0539/F	<b>CASE OFFICER</b> Tom Donnelly
<b>LOCATION:</b>	OLD BUCKENHAM 9 The Old Yard Old Buckenham	<b>APPNTYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> N <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	B Bernard c/o Agent	
<b>AGENT:</b>	B Bernard c/o Agent	
<b>PROPOSAL:</b>	Erection of Office building with First Floor 2 bed residential accommodation - revised elevations (3PL/2018/0887/F)	

#### **REASON FOR COMMITTEE CONSIDERATION**

The application is referred to planning committee as it is contrary to the development plan.

#### **KEY ISSUES**

Principle of development  
Impact on character and appearance  
Impact on amenities  
Highway Safety impact

#### **DESCRIPTION OF DEVELOPMENT**

The proposal seeks the erection of a two storey building with the ground floor element providing office space in connection with the existing business on site and the first floor providing a residential unit that is proposed to be tied to the existing business. The building is proposed to be constructed using a mix of brick and timber cladding on the walls with zinc tiles on the roof. Planning for an office with accommodation above has previously been granted under reference 3PL/2018/0887/F. This proposal seeks a different design to the building. The proposal now incorporates a balcony at first floor level to serve the first floor annexe/flat whilst also including a slightly increased footprint to provide a lift to first floor level and a steeper roof pitch.

#### **SITE AND LOCATION**

The application site is at 9 The Old Yard, Old Buckenham. The site currently has a business operating on it which deals in works on automotive vehicles. The site sits outside of any defined settlement boundary but has a dwelling on the plot adjacent.

#### **EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2017/0961/F	Permission	17-11-17
Erection of office building		

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3PL/2018/0887/F	Permission	27-11-18
Erection of Office building with First Floor 2 bed residential accommodation		

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**POLICY CONSIDERATIONS**

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.03	Employment
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.07	Employment Development Outside of General Employment Area
DC.16	Design
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

**OBLIGATIONS/CIL**

Not Applicable

**CONSULTATIONS**

**NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection subject to conditions

**PRINCIPAL PLANNER MINERAL & WASTE POLICY** No Comments Received

## REPRESENTATIONS

A site notice and press notice were posted which expired on 24-08-18 and 27-08-18 respectively.

No responses were received.

## ASSESSMENT NOTES

### 1.0 Principle of development

1.1 This application seeks planning permission for a two storey building with office at ground floor and residential at first floor. The principle of a two storey office building was previously established under reference 3PL/2017/0961/F and later application 3PL/2018/0887/F which also included the residential accommodation element at first floor level within the proposed buildings. The principle of the development has therefore previously been established. This current proposal seeks a revised design to the overall buildings. The proposal now incorporates a balcony at first floor level to serve the first floor annexe/flat whilst also including a slightly increased footprint to provide a lift to first floor level and a steeper roof pitch. The key element of consideration is the use of the first floor element for residential use which is intended to be tied to the business use on site. The site lies outside of any defined Settlement Boundary and therefore the residential element of the application is contrary to Policies SS1, DC2 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009.

1.2 Paragraph 10 of the NPPF states that at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 further states that proposed development that accords with an up-to-date Local Plan should be approved without delay, and where there are no relevant development plan policies, or the policies which are most important for determining applications are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

1.3 The Council cannot demonstrate a current 5 year housing land supply and therefore the Core Strategy and Development Control Policies Document are not considered up-to-date and therefore the material considerations are assessed in line with the sustainable development roles within paragraph 8 of the NPPF:

- economic, to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- social, to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- environmental, to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

1.4 In terms of economic and social sustainability, the site is 275m from the settlement boundary of Great Ellingham which is defined as a Service Centre Village within the Development Plan. This means that it benefits from sufficient facilities to care for the day to day needs of residents and is capable of sustaining some growth. However, it is not considered that these route would be achievable by walking due to the

nature of the road and lack of footpath presenting a danger to the safety of pedestrians. Reliance of residents would therefore be on the private motor. In economic terms the residential use at first floor would be tied to the existing business use on the site.

1.5 The environmental role of sustainable development seeks to, in part, contribute to protecting and enhancing the natural, built and historic environment. Consideration of a development's impact on the character and appearance of the area within which it is situated is therefore integral to the environmental dimension of sustainable development. The site forms part of a complex of industrial buildings currently used to operate a business involving motor vehicle repairs. The site already has permission for the proposed building but with the use being solely office space. It is therefore considered that the environmental impact of the building has been established by virtue of this previous permission. Additionally, given the permission on the adjacent plot for a residential dwelling, it is considered that the principle of residential development in this location has been established.

1.6 The proposal would make a positive, albeit modest, contribution towards the provision of housing in the area, and its construction would provide some short term economic benefits. With regard to availability and deliverability, the site is within the applicant's ownership and available now, making the development deliverable within five years to meet the housing shortfall. It is appropriate that the time limits are reduced and this would be in accordance with other applications in Breckland approved under the five year supply. In the event of an approval it is considered appropriate to impose a two year period for commencement of development in order to reaffirm the deliverability of the scheme.

1.7 The combination of all of these environmental factors together with the the earlier consent and not being in isolation result in the proposal satisfying the environmental role of sustainable development.

## 2.0 Impact on character and appearance

2.1 Policy DC16 requires all new development to achieve the highest standard of design. As part of this, all design proposals must preserve or enhance the existing character of an area. Consideration will also be given to the density of buildings in a particular area and the landscape/townscape effect of any increased density.

2.2 The design and appearance of the office building with residential at first floor tied to the existing busieness, as well as its size and scale is considered to be appropriate in this location and in the context of the surrounding buildings. The proposed palette of materials in this instance are considered to be sympathetic to the visual appearance of the surrounding area.

2.3 The proposed dwelling appears to fit comfortably within the site and reasonably follows the character of appearance in the surrounding area in terms of scale and proportion.

2.4 The proposed development is therefore considered to satisfy Policy DC16 in terms of the design and appearance of the proposed development.

## 3.0 Impact on amenity

3.1 Policy DC1 seeks to protect residential amenity and that all new development must have regard to amenity considerations and states that development will not be permitted where there are unacceptable effects on the amenity of neighbouring residents and future occupants.

3.2 The site is spacious and can comfortably accommodate the proposed building of this size. Whilst the

residential element will not benefit from any direct amenity land, given that the dwelling will be tied to the business on site, it is presumed that the residents would have 'free reign' of the site during non-working hours due to their status as employees of the business. On this basis, it is considered that the lack of designated amenity space would not be detrimental to the quality of life enjoyed by the inhabitants. Additionally, given that the proposed residents would be employees of the business, it is not considered that there would be a detrimental effect on residential amenities due to noise from the business operating on site.

3.3 In terms of the newly proposed balcony and any potential amenity impacts from this, the building is set a significant distance away from any other residential properties and the building is oriented as such that the balcony would only overlook land associated with the business that the building would be tied to. On this basis, it is not considered that the newly proposed balcony would have a detrimental impact on neighbour amenity due to overlooking.

3.4 The proposal is overall considered to comply with Policy DC1 in terms of the preservation of amenities.

#### 4.0 Impact on highway safety

4.1 The impact on highway safety was considered with regard to Policy DC19 and in consultation with the Highway Authority. The Highway Authority have raised no objections to the proposal subject to a condition tying the occupation of the dwelling to the existing building on the site.

4.2 It is considered that there is sufficient space on site to accommodate the level of parking that would be required by this dwelling. Additionally, the existing access is considered to benefit from sufficient visibility to comply with County Highways Authority requirements.

4.3 The proposed development is considered to satisfy the requirements of Policy DC19 in terms of parking provision and is also considered to be acceptable in highway safety terms.

#### 5.0 Conclusion

5.1 In terms of the overall planning balance of the proposal and having regard to the previous approvals on site, approval of the application is recommended subject to a condition that the first floor residential element is tied to the existing business.

### RECOMMENDATION

On the basis of the above, the application is recommended for approval, subject to the following conditions:

### CONDITIONS

- 1 **Full Permission Time Limit (2 years)**  
The development must be begun not later than the expiration of TWO YEARS beginning with the date of this permission.  
Reason for condition:-  
As required by section 91 of the Town & Country Planning Act 1990 (as amended) and to ensure the deliverability of the scheme to contribute to the five year housing land supply.
- 2 **In accordance with submitted plans NEW 2017**  
The development must be carried out in strict accordance with the application form, and

approved documents and drawings as set out in the table at the end of this notice.

Reason for condition:-

To ensure the satisfactory development of the site.

**3**

**External materials as approved**

The development hereby permitted shall be constructed using the materials specified on the planning application form and / or submitted drawings.

Reason for condition:-

To enable the Local Planning Authority to ensure the satisfactory appearance of the development, as required by policies DC 1 & DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**4**

**Staff accommodation**

The occupation of the first floor element of the building for residential use hereby approved shall be limited to person(s) solely employed in the business occupying the plot edged red on the attached plan, and to any resident dependants and shall not be sold or leased separately.

Reason for condition:-

The site of the development is outside an area where the Local Planning Authority normally permits residential development and permission has been granted in this instance having regard to the exceptional business need for a dwelling on the site in accordance with policy CP 14 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**5**

**Variation of approved plans**

Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.