

ITEM:		RECOMMENDATION:	REFUSAL
REF NO:	3PL/2021/0153/F	CASE OFFICER	Naomi Minto
LOCATION:	BANHAM The Appleyard Kenninghall Road	APPNTYPE:	Full
APPLICANT:	Goymour Properties Grove House The Grove	POLICY:	Out Settlement Bndry
AGENT:	Chaplin Farrant Ltd Chaplin and Farrant 51 Yarmouth Road	CONS AREA:	N
PROPOSAL:	Alterations to convenience store. Demolition and rebuild of derelict barn to enlarge convenience store and new cafe area. Alteration to buildings and lean-to structures attached to the barn.		
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

Application to be considered at Planning Committee following consideration at Chairman's Panel.

KEY ISSUES

- Principle of development
- Design and impact on the character and appearance of the area
- Impact on amenity
- Highway safety
- Ecology
- Nutrient Neutrality
- Other matters - Contaminated Land / Flood Risk

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for alterations to the existing convenience store, including demolition and rebuild of derelict barn to enlarge convenience store and provision of a new cafe area. In addition, alterations are proposed to buildings and lean-to structures attached to the barn.

SITE AND LOCATION

The application site is located at The Appleyard, Kenninghall Road, Banham. It is outside of the defined settlement boundary for Banham, at the junction of Grove Road and Kenninghall Road. The application site is located within Flood Zone 1 and is identified on the Government's flood risk maps as being at a very low risk of surface water and river flooding.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3DC/2019/0255/DOC DOC - COMPLETE 18-12-19

Discharge of conditions 11 & 12 of 3PL/2017/1523/F

3OB/2019/0028/OB Permission 25-11-19

Planning Obligation 3PL/2018/1102/O Reduce the affordable housing requirement from 40% to 25% of the total no of dwellings

3PL/2011/0530/CU Permission 14-07-11

Change of use from office to retail A1 (retrospective)

3PL/2017/0384/A Permission 25-05-17

2 Fascia signs, 4 PETG Frames, 4 Poster Frames

3PL/2017/1523/F Permission 02-02-18

Demolition of existing industrial / agricultural unit and replace with 2no business starter units for use Class A1 and B1

3PL/2018/1102/O Permission 16-07-19

Outline application for residential development

3PL/2018/1258/A Permission 30-11-18

New Signs

POLICY CONSIDERATIONS

The following policies of the Breckland Local Plan, 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

COM01	Design
COM03	Protection of Amenity
COM04	Community Facilities
EC04	Employment Development Outside General Employment Areas
ENV02	Biodiversity protection and enhancement
ENV08	Non-Designated Heritage Assets
GEN01	Sustainable Development in Breckland
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
GEN05	Settlement Boundaries

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

OBLIGATIONS/CIL

Not applicable

CONSULTATIONS

BANHAM P C

Banham Parish Council has made the following comments: The documentation doesn't give specific detail covering whether it's possible to save the structure. The Parish Council asks if any consideration has been made to saving this historic structure, without demolition. If so, and it is possible to renovate, it would support this.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No objection, subject to conditions.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection, subject to conditions.

CONTAMINATED LAND OFFICER

No objection, subject to conditions.

ENVIRONMENTAL HEALTH OFFICERS

No objections, subject to condition.

HISTORIC BUILDINGS CONSULTANT

Objection to loss of existing building - It is a very thorough report which identifies all of the visible and potential faults, none of which when considered in isolation are majorly significant and beyond remediation, although when combined do result in the need for a significant amount of repair. Notwithstanding this, the main fault/s do appear to have arisen from the historic use of brick noggin as infill panels to replace wattle and daub infill. Brick noggin is typically heavier and less accommodating of movement in a timber frame and can also complicate decay mechanisms associated with the ingress of water (due to the gaps that form between noggin and the frame). One of the other main fault/s is the concealed area/s of soleplate (the horizontal timber plate that the studwork and corner posts connect to). The position of the soleplate (which was relatively low when built and then concealed in part by post primary build works) has led to decay and resultant structural issues. In addressing both of these problems - say in the instance of this building being part of a residential conversion scheme, I would recommend the removal of the brick noggin, the repair of the frame (to include raising the sole plate and forming a brick plinth below) and the insertion of a lightweight permeable panel infill and the use of a permeable render carrying raking board) The repair and adaptive reuse of the existing building is technically possible. Please treat this as my formal response.

HISTORIC ENVIRONMENT SERVICE

No Comments Received

REPRESENTATIONS

A Site Notice was put up on 24 February 2021 and eight neighbours directly consulted. One letter of representation has been received providing a historical look at the potential past use of the barn and highlighting the rarity of the build, particularly in relation to the construction of the main barn doors. Main points of concern are the loss of a non-designated heritage asset.

ASSESSMENT NOTES

1.0 Principle of development

1.1 Policy COM 04 of the Breckland Local Plan (adopted 2019) (BLP) states that the creation, enhancement and expansion of community facilities will be supported where this would enhance the existing offer, benefit the local economy and be of a suitable scale and type for its location and in locations in close proximity to the area that they will serve. For the purpose of the policy local shops (amongst other services) are considered to be community facilities.

1.2 It is accepted that the proposed works would result in the enhancement and expansion of a local rural shop, enabling it to expand its existing offering available to the local community. In addition, despite, being outside of the designated settlement boundary for Banham, it is considered to be in a central location to the community it serves and on a site where other services and facilities are accessible, therefore in a sustainable location. The principle of the development is therefore accepted in this instance, having due regard to Policy COM 04.

2.0 Design and impact on the character and appearance of the area

2.1 The BLP states under Policy GEN 02 that the Council will require high quality design in all new development within the District. New development proposals are expected to meet a number of key tests, including respecting and being sensitive to the character of the surrounding area. Development of poor design, that does not respect or improve the character and quality of the area will be refused. Furthermore, Policy COM 01 provides further detailed design guidance, including the need for new development to integrate to a high degree of compatibility with the surrounding area.

2.2 Policy ENV 08 is concerned with non-designated heritage assets and states that development should be expected to conserve, or wherever possible enhance the historic character, appearance and setting of non-designated historic assets. Proposals that could affect previously unrecognised heritage assets will be expected to undergo an appropriate assessment, proportionate to the significance of the asset. The assessment must provide sufficient information for any impact to be fully assessed.

2.3 In respect of non-designated heritage assets, the Local Plan states that these assets play an essential role in reinforcing a sense of local character and distinctiveness in the locality. Regard should be had to all heritage assets (designated and non-designated) when assessing applications for development.

2.4 The proposal involves internal and external alterations to the existing convenience store, including a revised internal layout, new roofing, revised window / door fenestration (in places) and the demolition and rebuild of the derelict historic barn to enlarge the convenience store and create a new cafe area. Materials proposed include brick plinth and black render on the walls, metal standing seam roof system and timber windows and doors. Precise details have not been provided.

2.5 Whilst it is acknowledged that the historic barn proposed for demolition is not a listed building and not in a designated conservation area, it is a recognisable local landmark and is considered to be a non designated heritage asset, playing a key role in reinforcing a sense of local rural character and distinctiveness in this part of the village. The Local Planning Authority therefore sought the views of the Historic Buildings Officer, who initially requested the submission of a structural engineers report from somebody with specific expertise in historic buildings, to justify the structural condition of the building. It was considered that without justification, the building could be repaired and internally remodelled as required.

2.6 The applicant submitted a structural inspection report for further consideration and upon a re-consultation with the Historic Buildings Officer, the Local Planning Authority are advised that the report is very thorough, identifying all of the visible and potential faults, none of which when considered in isolation are majorly significant and beyond remediation, although when combined do result in the need for a significant amount of repair. Notwithstanding this, the Historic Buildings Officer states that the main fault/s do appear to have arisen from the historic use of brick noggin as infill panels to replace wattle and daub infill. The Local Planning Authority is advised that brick noggin is typically heavier and less accommodating of movement in a timber frame and can also complicate decay mechanisms associated with the ingress of water (due to the gaps that form between noggin and the frame).

2.7 Furthermore, one of the other main fault/s is the concealed area/s of soleplate (the horizontal timber plate that the studwork and corner posts connect to). The position of the soleplate (which was relatively low when built and then concealed in part by post primary build works) has led to decay and resultant structural issues. In addressing both of these problems, the Historic Buildings Officer states in the instance of this building being part of a residential conversion scheme, the removal of the brick noggin is recommended, along with the repair of the frame (to include raising the sole plate and forming a brick plinth below) and the insertion of a lightweight permeable panel infill and the use of a permeable render carrying raking board). In conclusion, the Historic Buildings Officer advised that the repair and adaptive reuse of the existing building is technically possible. Whilst the internal and external alterations to the existing convenience store (which include a revised internal layout, new roofing, revised window / door fenestration (in places)) are considered acceptable in planning terms, the loss of the historic barn is not considered to be acceptable on character and appearance and heritage grounds.

2.8 The structural inspection report submitted in support of the application states that the retention of the barn is not economically viable with the proposals. No viability assessment was initially submitted. However, following further discussions with the applicant, a viability assessment has since been submitted for consideration and assessed by an independent assessor, specialising in commercial viability. Following a thorough assessment of the valuation report, the independent assessor requested further clarification on several points within the report. This information was accordingly submitted and in response the independent assessor concluded their report and sent it to the Local Planning Authority for review.

2.9 In conclusion, the independent assessor's report found that the modelling shows little difference in the appraisal outcome between the option of retaining the building and alternatively demolishing it. With this in mind, the Local Planning Authority remained concerned with the proposed loss of the existing historic building. Concerns were relayed to the agent who submitted further comments for consideration.

2.10 In response to the applicant's comments that the modelling clearly demonstrates that the refurbishment option generates a loss, the independent assessor advised that this is not the case in their appraisal, it shows a slight profit, and a broadly similar outcome to the scenario where the barn is demolished. The independent assessor did not agree that the applicant's financial appraisal is correct.

2.11 The applicant had also argued that in their experience the full risks of refurbishment have not been fully

expressed in the budget estimates. Although a 'text book' contingency sum is factored into the costs, this, in their experience is at significant risk of being inadequate. However, the independent assessor advised "*what if the contingency isn't needed? Or only a smaller proportion of the contingency is needed? In that scenario the Council would be making a planning decision based on a cost, which was never realised. For this key reason the guidance is clear that contingency allowances should not be overstated as a means of justifying a viability argument*". The assessor agreed that it is appropriate to make some level of allowance for contingency and for this particular scheme given its nature and size, it was considered that 5% would be more than reasonable.

2.12 The applicant advised that a refurbishment barn project, adjoining other structures, with significant repair work and critically, requiring the Store to remain operational throughout is in all likelihood going to exceed the budget (probably by a significant margin). However the independent assessor advised that 'probably' and 'in all likelihood' is not a sufficient justification here to support the applicant's argument. In conclusion, the assessor disagreed with the findings of the applicant's viability assessment.

2.13 The Historic Buildings Officer was also consulted and advised that having considered the additional comments of the applicant, their previous concerns remain applicable from a heritage perspective. In light of the above considerations, as previously mentioned, whilst the internal and external alterations to the existing convenience store (revised internal layout, new roofing and revised window / door fenestration) are considered acceptable in planning terms, the loss of the historic barn is not considered to be acceptable on character, appearance and heritage grounds, having due regard to Policies COM 01, GEN 02 and ENV 07 of the BLP.

3.0 Impact on amenity

3.1 Policy COM 03 of the BLP seeks to protect residential amenity and requires all new development to have regard to amenity considerations. Development will not be permitted where there are unacceptable effects on the amenities of the area.

3.2 Given the nature of the development proposed and its location away from existing residential development, it is considered that it will not give rise to any detrimental amenity impacts having regard to overlooking / loss of privacy, overbearing, overshadowing and loss of light considerations. Furthermore, whilst it is not clear what hours of operation are proposed, particularly in respect of the cafe, it is accepted that this could be conditioned with any forthcoming planning permission to ensure that the proposal does not lead to an adverse amenity impact, in respect of noise considerations. On this basis, the application is considered to have due regard to Policy COM 03.

4.0 Highway safety

4.1 Policies COM 01(m) and TR 02 of the BLP seek to ensure that all access and safety concerns are resolved in new developments. Paragraphs 110 and 111 of the NPPF (2021) are also relevant planning considerations when assessing an application in terms of highway safety.

4.2 Following receipt of additional information, the Local Highway Authority raised no objection, subject to the inclusion of conditions. The application is therefore considered to be compliant with Policies COM 01(m) and TR 02 of the Breckland Local Plan (adopted 2019), as well as having due regard to paragraphs 108 and 109 of the NPPF (2019).

5.0 Ecology

5.1 Policy ENV 02 of the BLP states that all development should demonstrate how net gains for biodiversity are being secured as part of the development, proportionate to the scale of development and potential impacts. This is further reiterated in paragraph 174 of the NPPF, which seeks to ensure that development provides net gains for biodiversity.

5.2 The Natural Environment Team advised that the ecology report submitted in support of the application has a 'draft' watermark. They therefore recommended the applicants to provide confirmation from their ecologists that the report is a final version.

5.3 The applicant has re-submitted the ecology report omitting the 'draft' watermark. On that basis, the Natural Environment Team raised no objection to the proposed works, subject to conditions. The application is therefore considered to be compliant with Policy ENV 02.

6.0 Nutrient Neutrality

6.1 This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The Habitat Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads prior to granting planning permission.

6.2 The application site is located outside of the catchment area of the sites identified by Natural England. The development proposed does not involve the creation of additional overnight accommodation and as such it is unlikely to lead to a significant effect as it would not involve a net increase in population in the catchment. This application has been screened, using a precautionary approach, as unlikely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards to nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

7.0 Other matters - Contaminated Land / Flood Risk

7.1 Paragraph 183 of the NPPF (2021) states that development sites need to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation). Given that no objections have been received from the Contaminated Land Officer, the application is considered to be compliant with Section 15 of the NPPF (2021), subject to conditions.

7.2 Policy ENV 09 of the BLP states that all new development will be located to minimise the risk of flooding, mitigating any such risk through design and implementing sustainable drainage (SuDS) principles, as well as incorporating appropriate surface water drainage mitigation measures to minimise its own risk of flooding and not materially increase the flood risk to other areas. Having checked the Government's flood risk maps, it is accepted that the site is in an area identified as being at very low risk of river and surface water flooding. The application is therefore compliant with the requirements of Policy ENV 09.

8.0 Conclusion

8.1 In terms of the overall planning balance of the scheme, whilst it is accepted that the building to be

demolished is not listed and is not located within a designated Conservation Area, it is acknowledged that the existing building plays a key role in reinforcing a sense of local historic character and distinctiveness in the locality. The loss of the building is therefore not considered acceptable on character and appearance / heritage grounds, having regard to Policies ENV 08, GEN 02 and COM 01 of the BLP, as well as paragraph 130 of the NPPF (2021). Accordingly, the application is recommended for refusal.

RECOMMENDATION

The application is recommended for refusal on the following grounds:

REASON(S) FOR REFUSAL

1

Non-std reason for refusal

The proposal would result in the loss of a non-designated heritage asset, which is considered to be a recognisable local landmark, playing a key role in reinforcing a sense of local rural character and distinctiveness in this part of the village. In the opinion of the Local Planning Authority the submitted viability assessment does not demonstrate that the conversion of the non-designated heritage asset would result in an unviable development. Therefore the unjustified loss of this non-designated historic asset, in a prominent location, would fail to conserve or enhance the historic character, appearance and setting of the area contrary to Policies ENV 08, COM 01, GEN 02 of the Breckland Local Plan (adopted 2019) and paragraph 130 of the NPPF (2021).