



Appeal Decision

Site visit made on 27 June 2017

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 August 2017

Appeal Ref: APP/Y2620/W/17/3171572

Stratton Long Marine, Westgate Street, Blakeney NR25 7NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P Long against the decision of North Norfolk District Council.
 - The application Ref PF/16/0876, dated 20 June 2016, was refused by notice dated 15 December 2016.
 - The development proposed is 2 x 1 ½ storey 3 bed detached dwellings and change of use of storage area to garden amenity.
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Decision

1. The appeal is allowed and planning permission is granted for 2 x 1 ½ storey 3 bed detached dwellings and change of use of storage area to garden amenity at Stratton Long Marine, Westgate Street, Blakeney NR25 7NQ in accordance with the terms of the application, Ref PF/16/0876, dated 20 June 2016, subject to the conditions in the attached Schedule.

Main Issues

2. The main issues are:
 - the effect of the development on the provision of employment land; and
 - whether the development would preserve or enhance the character or appearance of the Blakeney Conservation Area, and the landscape and scenic beauty of the Norfolk Coast Area of Outstanding Natural Beauty (AONB).

Reasons

The employment designation

3. The site is located to the rear of existing properties off Westgate Street in Blakeney. The development would introduce two new dwellings into the site and change an area of land from storage area to garden land for the existing property, No 5 Westgate Street. Whilst the site is allocated as employment land in the North Norfolk Local Development Framework Core Strategy, 2008 (the Core Strategy), comprising uses under B1 (Light Industrial), B2 (General Industrial) and B8 (Storage), the site itself is surrounded by residential properties. While B1 uses can be considered compatible with residential areas, I consider that a combination of the close relationship to neighbouring properties and the restricted access means that it is likely that a commercial

use may no longer be appropriate. Indeed the introduction of some employment uses into the site may have the potential to give rise to noise and disturbance, which could result in harmful effects on the living conditions of adjoining properties, particularly given that the site is surrounded by dwellings, with some located along the site access. In addition, I note that the appellant has sought to develop the site for workshop use, and has marketed the site without success since becoming vacant in 2012.

4. The National Planning Policy Framework (the Framework) advises that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose and therefore applications for alternative uses of land should be treated on their merits. The site is previously developed land and its location, close to a number of dwellings, lends itself to residential development.
5. Consequently, the proposal would remain in conflict with Policy SS5 of the Core Strategy, which seeks only employment generating development on identified Employment Areas. Nonetheless, I find the material consideration of the Framework and the benefits including the re-use of previously developed land, sufficient to outweigh the policy conflict and the need for the site to remain as employment land.

The Conservation Area and AONB

6. The site is located within the Blakeney Conservation Area and Norfolk Coast Area of Outstanding Natural Beauty (AONB). This part of Blakeney is characterised by fairly dense residential development, with a few local shops present. The existing buildings are mainly of traditional vernacular characterised by the use of flint with red brick detailing and red tiles. There are a number of Grade II Listed Buildings in the vicinity of the site, Nos 11 – 15, No 19 and No 23 Westgate Street. There are other dwellings set back from the road, including the row of terraced dwellings that are located adjacent to the site access. As such, the introduction of two dwellings in this location would not be at odds with, or unduly harmful to the character or appearance of the surroundings area in terms of its settlement pattern.
7. The proposed dwellings would each have adequate garden and parking areas. The design and proposed materials have been informed by the local vernacular. As such the proposed development would respect the existing character in this regard.
8. Whilst the development would be visible from existing properties with limited views from public viewpoints, including the open space at The Pastures, these views would not be harmful to the visual character of the area. The introduction of the development into this site would provide new housing on brownfield land. The limited views of the development, removal of outbuildings from within the site and the design and materials of the development would serve to preserve the character and appearance of the Blakeney Conservation Area. Furthermore it would conserve the scenic beauty of the AONB and would not harm the setting of the nearby Listed Buildings.
9. For the above reasons, I consider that the proposal therefore complies with the Framework in this regard, and with Policy EN2 of the Core Strategy, which requires new development to protect, conserve and where possible, enhance

the local distinctiveness and settlement pattern, as well as the setting of, and views from, conservation areas.

Other Matters

10. Access to the site is via the existing driveway off Westgate Street. At the time of my visit there were a number of people parking cars in the designated spaces on the street for short visits to the nearby shops. This, in essence, reduced this part of Westgate Street to a single lane road in places. However, this also had the effect of slowing vehicles down as they travelled past the site access. Furthermore, the access is an existing arrangement and has been utilised in conjunction with the previous business. Parking and turning areas are proposed for both dwellings to allow all vehicles to exit the site in forward gear. I consider that the level of traffic generated by two dwellings would not exceed that of an employment use on the site and therefore would not increase the risk to users in terms of highway safety issues as regards visibility and safe access to and from the site.
11. The site is set within an area of existing residential developments with the closest of these being No 16, The Pastures. The side elevation of No 16 is located adjacent to the rear boundary of the site and has a ground floor side window partially visible over the rear fence. The side elevation of Plot 2 would sit in line with No 16 however the separation distances would be adequate and there would be no harmful impacts on the living conditions of No 16 in terms of loss of light or privacy.
12. The proposed four bay cart shed would be located close to the side elevation of the end terraced property, No 15 Westgate Street, which is within the access to the site. This has one ground floor window in the side elevation. The cart shed would replace an existing outbuilding, albeit smaller in scale than the proposed building, and would be sited at an acceptable distance from the dwelling with no additional impacts on the living conditions of No 15. The new dwellings would be sited adequate distances from other nearby properties and the location, scale and fenestration of these would not result in loss of privacy, loss of light or other harmful impacts on the living conditions of nearby residents generally.
13. I note the comments in relation to the percentage of properties let as holiday homes within Blakeney. However I have no evidence of this and therefore can give this limited weight in my considerations of the development.

Conditions

14. The Council have suggested a number of conditions which I have considered against the Planning Practice Guidance and the relevant tests. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.
15. In addition to the standard time limit condition, I have included a condition listing the approved plans as this provides certainty. The Council have requested four conditions in relation to the materials and window details. I consider the principle to be reasonable and necessary given the sites location within the Conservation Area and AONB. However, I have reworded and grouped them. Conditions requiring land levels are reasonable insofar as they relate to the sloping nature of the site, as are tree protection measures.

However, in terms of the proposed planting, I do not consider this necessary on a scheme of this scale as future residents will landscape to their own preferences.

16. A contamination condition is required given the previous use of the site for commercial purposes. I consider that the parking and turning condition is also necessary in the interests of highway safety.
17. A condition relating to boundary treatments and one requiring the first floor en-suite and bathroom windows to be obscure glazed are necessary to protect the living conditions of neighbouring residents. I have not been provided with any reasoned justification for a condition relating to details of the use of any air source heat pumps. Furthermore, I consider that the removal of permitted development is only required in exceptional circumstances. These have not been identified in this instance, given the acceptable distances between the development and neighbouring properties and the scale of the development in relation to the size of the site, and I have not therefore imposed such a condition.
18. It is essential that the requirements of conditions 3, 4, 5, 6 and 7 are agreed prior to development commencing to ensure an acceptable form of development in respect of design, existing trees, contamination and the living conditions of neighbouring residents.

Conclusions

19. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

R Norman

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 274-05; 274-02B; 274-03/A and 274-04/A.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. These shall include that the flints shall not exceed 150mm in any one direction. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) All the trees and hedges shown on the drawing no 274-02/A to be retained and any trees whose canopies overhang the site shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 6) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority and the works carried out in accordance with the approved details.
- 7) Prior to the commencement of development, details of all boundary treatments, including the method and materials for raising the height of

the existing northern and western boundary walls, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and concurrently with the erection of the dwelling to which it is related.

- 8) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 274-02/A for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for purposes.
- 9) The buildings hereby permitted shall not be occupied until the first floor bathroom and en-suite windows have been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.