

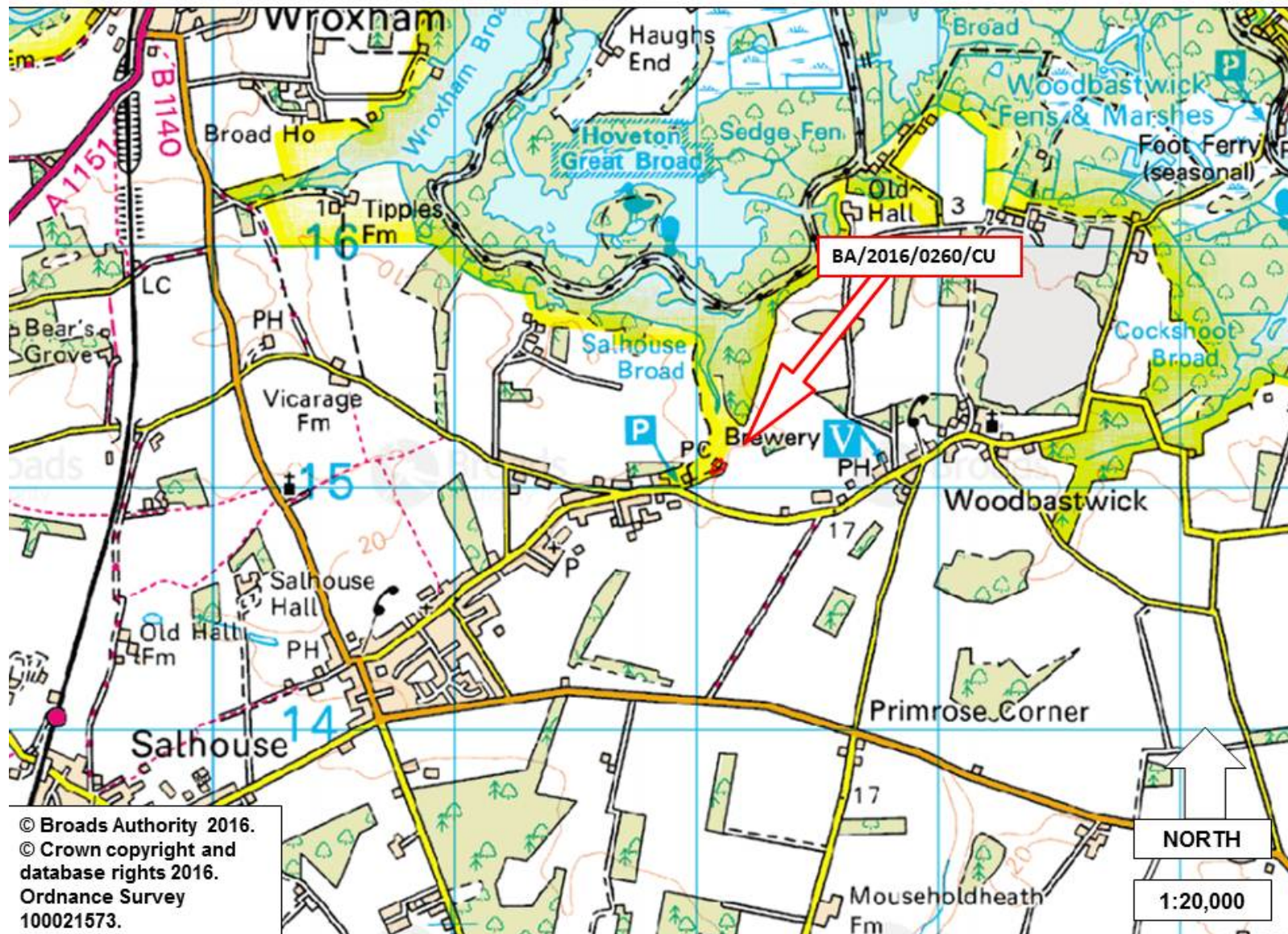
**Reference:**

BA/2016/0260/CU

**Location**

39 Slad Lane, Woodbastwick

BA/2016/0260/CU - 39 Slad Lane, Woodbastwick, Norwich, NR13 6HQ



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## **Application for Determination**

<b>Parish</b>	Woodbastwick		
<b>Reference</b>	BA/2016/0260/CU	<b>Target date</b>	3 October 2016
<b>Location</b>	39 Slad Lane, Woodbastwick		
<b>Proposal</b>	Change of use of ground floor cottage to tea room (class A3).		
<b>Applicant</b>	Woodbastwick Estate		
<b>Recommendation</b>	Approval subject to conditions		
<b>Reason for referral to Committee</b>	Third party objections		

## **1 Description of Site and Proposals**

- 1.1 The application site is a dwelling at 39 Slad Lane, Woodbastwick. Despite the Woodbastwick address and being within the parish of Woodbastwick, the site may better be understood as being immediately east of Salhouse Broad car park and where Lower Street, Salhouse becomes Slad Lane, Woodbastwick. Development in Salhouse is largely concentrated along Lower Street and facilities include The Bell Inn public house at the western end of the village and two cafes, Prima Rosa and Radleys, further east along the road. Radleys also incorporates the village Post Office and both cafes also have retail components. A further public house exists outside the main settlement on Norwich Road and there is a café at the Garden Centre on Honeycombe Road. The car park to the Broad lies at the eastern extent of the village and beyond this and the application site, the predominant land use is agricultural towards Woodbastwick to the east.
- 1.2 The two storey dwelling is constructed of red brick with a thatched roof and a large corrugated metal garage stands on higher ground to the northeast. The dwelling is accessed by a long unsurfaced driveway from the road adjacent to the car park and the drive sweeps in a northeasterly direction following changes in ground level down from the road and then up again towards the dwelling. The mid nineteenth century dwelling sits in a roughly triangular shaped area of curtilage that rises both northwards and eastwards. It is largely laid to lawn with a mature boundary hedge to the west and pockets of other domestic planting. The site is outside any development boundary, in flood risk zone 1 and within the Salhouse Conservation Area.

- 1.3 The application proposes changing the use of the ground floor of the dwelling to a tea room. This would require external alterations with a window changing to a doorway on the front (southwest) elevation, a doorway to a window on the southeast elevation and a new window on a lean to on the rear elevation. New double doors on the northwest elevation would open onto steps leading down to the lower garden level. New doors and windows would be in timber to match those existing on the front elevation. A new ramp would also be provided across the front elevation. External seating would be provided on the existing lawn and a small area of gravel that would be set in a grid material to provide a level area accessed off a new path in the same surface finish that would sweep around from the existing driveway.
- 1.4 A gate currently encloses the garden area from the longer driveway and adjacent to this gate, on the eastern side, a disabled parking bay would be provided. 12 further parking spaces would be provided in an area where this is currently hardstanding on the eastern side of the driveway approximately 80 metres from the road. This hardstanding would be replaced with a larger area of gravel in a grid material. The first five metres of the driveway from the highway would be resurfaced with a bound material.
- 1.5 Internally, the existing ground floor layout would be adapted so the new door on the front elevation would access the stairs to the first floor accommodation. This would provide one bedroom, bathroom, kitchen and living room and be a self-contained flat above the tea room. The ground floor arrangement of separate rooms would largely be retained to provide seating areas for the tea rooms, with a kitchen provided in an existing room to the rear.
- 1.6 The applicant proposes opening the tea room 0800 to 1900 each day, year round. It is proposed to provide an additional facility for visitors to Salhouse Broad and the campsite there. An existing private path connects the site to the Broad boardwalk.

## **2 Site History**

None

## **3 Consultation**

Woodbastwick Parish Council –The council objects to the proposals for the following reasons:

1. There are already three tea shops in Salhouse and two in Ranworth so there is no real need for an additional one.
2. Access to the proposed new tea shop is poor.
3. The proposal is a contravention of the Broads Authority policy of protecting existing businesses.
4. One of the existing tea shops is located in the village shop and post office in Salhouse and any impact on the tea shop business would threaten the continuation of the post office, which is extensively used by Woodbastwick residents.

5. There are already parking issues at the Salhouse Broad car park and this development could increase those and impact on the surrounding road network, which comprises small country lanes.

Broads Society – No objections.

District Member – No response

Salhouse Parish Council – Objects for the reason that it contravenes policies in your Core Strategy.

1 New business is always welcome in the area but there appears to be a conflict with your Development Policy and the particular business referred to in the application. We draw attention to Core Strategy CS11, Policy DP14, (e) which protects against the loss of existing tourism support services. We note that the policy will not support tourist development where there is a possible loss of existing services. The close proximity of the application to the boundary between Salhouse and Woodbastwick affects Salhouse to a high degree. Salhouse Village is already well served with a tea room/coffee shop called Prima Rosa and also another tea room/Post Office called Radleys. The Post Office part of Radleys, in particular, is a valuable service to the villages of Salhouse and Woodbastwick and another tearoom in the locale could threaten the existence of the Post Office.

DP14 (e) Reasoned Justification 4.16.

2. Core Strategy Policy CS11 directs tourism and recreational development to appropriate locations having the necessary infrastructure. The location of this application is not well served with appropriate infrastructure to support it. Salhouse Broad is a highly valued part of the Norfolk landscape and is noted for its tranquillity and natural beauty. Further development of this type could compromise the reason the Broad attracts tourism.

DP11 (c) Reasoned Justification 4.5

DP14 (c) Reasoned Justification 4.18

3. DP27 (c) requires an assessment to demonstrate a need for the facility to support the viability of a community. The application has not demonstrated a need nor will it support social viability as it is too remote from other social facilities.

DP27 (e) requires that the location will not have an unacceptable impact on the character of the landscape. The application will turn a residential property with low traffic movements into a much higher level of vehicle movements thereby impacting the landscape.

DP27 (f) requires that the facility be in a sustainable location and accessible by a choice of transport modes. The sole mode of transport direct to the location is by vehicle. Public transport by bus is approximately  $\frac{3}{4}$  of a mile away and a train station is approximately 2 miles away. This cannot be considered an accessible choice of transport. Core Strategy policy CS19

Reasoned Justification 5.56 recognises that existing community facilities need protection and we consider that the application is a threat to the continued existence of Radleys tea room/Post Office.

4. DP21 (g) The application will not enhance, maintain, restore or add to biodiversity.

5. Salhouse Parish Council have a concern that access to/from the highway as indicated on the application together with the existing and adjacent car park will create a highway hazard due to increased traffic volumes. We note that the application plan indicates accommodation for 36 covers. This will entail a requirement of up to 18 car parking spaces. The application building is at the end of a single track, unsurfaced, farming type lane providing minimal parking.

The existing car park servicing Salhouse Broad is already very congested and the lack of sufficient parking at the application site will create further congestion at the existing car park.

DP11 (a), (c), and also DP21 (f) Reasoned Justification 5.25

"Regard will be given to the cumulative impacts of tourism and recreation proposals on landscape character, nature conservation value and local transport movements." (Policy DP14)

6. This application would normally be welcomed if it were in a different location. These types of businesses should be nearer to the centre of either Woodbastwick or Salhouse Villages where they are in a more sustainable location and can form part of a core facility giving a cohesive service to tourism.

DP14 (e) Reasoned Justification 4.18.

Highways Authority – In principle I do not have an objection. I am aware this site is well used and that the present car park is restrictive in size/layout and that parking may occasionally overspill onto the highway. The proposed tea rooms appear to have a direct pedestrian link from the path through the Broads and customers may leave their cars on the Broad car park for longer periods of time resulting in a reduction in parking turnover and therefore an increased likelihood of displacement of parking in the highway network. The attraction of the tea rooms could also give rise to conditions detrimental to highway safety if parking is not available specifically for the tea rooms.

Parking standards for a development of this size would require 13 spaces in accordance with current standards. It may be prudent to provide a sign of an appropriate nature at the highway access indicating that there is parking available for the tea rooms. The surface of the access immediately adjoining the access is not acceptable given the proposed use and increased traffic movements. The access should be improved and resurfaced with a bound material. Amended plans should be submitted.

## **Representations**

A total of 91 representations have been received, one states they have no objection but cites concerns, the other 90 object to the proposal. Four of these



gave no legible name and cannot be taken into account. These are four of 70 identical letters signed by individuals and this was arranged by the owners of Prima Rosa and submitted by them along with a letter each from the two owners and an employee. Two further identical letters were submitted directly by individuals. The identical letters make reference to Radleys and the owner of Radleys has advised that she has not given consent for her business to be referenced in these representations.

Of the 18 other representations, 8 do not raise material planning considerations, citing only competition to the existing local businesses as their objection. One representation is from the county councillor for the area. Another is from Broadland District Council's Economic Development Officer questioning the viability of the proposed business, raising concerns about the impact on the existing businesses and querying the need for an additional café in this location. These are not material planning considerations.

The material planning considerations which are raised in the representations relate to parking and highway safety, noise, impact on wildlife and the setting in the Conservation Area. The identical letters cite conflicts with Policies DP11, DP14, DP21 and DP27.

## **4 Policies**

- 4.1 The following Policies have been assessed for consistency with the National Planning Policy Framework (NPPF) and have been found to be consistent and can therefore be afforded full weight in the consideration and determination of this application.

[Core Strategy Adopted September 2007 pdf](#)

[DEVELOPMENTPLANDOCUMENT](#) and [NPPF](#)

CS1 – Landscape protection and enhancement  
CS5 – Historic and Cultural Environments  
CS9 – Sustainable Tourism  
CS11 – Sustainable Tourism  
DP4 – Design  
DP11 – Access on Land

- 4.2 The following Policies have been assessed for consistency with the NPPF and have found to lack full consistency with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the consideration and determination of this application.

CS18 – Rural Sustainability  
DP5 – Historic Environment  
DP14 – General Location of Sustainable Tourism and Recreation  
Development  
DP28 – Amenity

#### 4.3 Neighbourhood Plans

There is no neighbourhood plan in force for the area for the application site

### 5 **Assessment**

#### Principle

- 5.1 The application proposes a new tea room and it is presented primarily as a tourist facility for visitors to Salhouse Broad. The principle of the proposal must be considered against Policy DP14 which sets out the considerations for the location of new sustainable tourism development.
- 5.2 Policy DP14 is a two-part policy which states that the preference is for new tourism development to be located within or adjacent to a development boundary or closely associated with an existing tourism or other site. The application site is outside a development boundary but immediately adjacent to Salhouse Broad. Whilst this is not a site of organised tourism or recreation, there is the campsite which has opened in recent years (outside the Broads Authority area), canoe hire, moorings and a ferry to the Hoveton Great Broad Nature Trail. Salhouse Broad is a popular destination for walkers, cyclists and boat users and in relation to Policy DP14, the application site can be considered to be closely associated with an existing tourism site by means of physical proximity and connection (and also land ownership). The principle of the proposal is therefore acceptable in accordance with Policy DP14.
- 5.3 It is appreciated that there has been a significant amount of local interest in this proposal, specifically the principle of opening a new tea room here. The representations which refer to Policy DP14 identify the second part of the policy which provides criteria for the consideration of tourism proposals which are neither within or adjacent to a development nor closely associated with an existing tourism site. Given the compliance with the first part of the policy, it is not necessary to make an assessment against these criteria. However it is appreciated that there are significant concerns about the economic impact the proposal may have on the two existing cafes in the village, sited approximately 700 metres east along Lower Street. The number and tone of representations received demonstrate that the two existing cafes are popular and valued local facilities and it is pleasing that the village benefits from such economic and community vitality.
- 5.4 Policy DP14 is consistent with paragraph 28 of the National Planning Policy Framework which seeks to support sustainable rural tourism that benefits businesses, communities and visitors and respects the character of the countryside. This paragraph goes on to encourage the promotion of the retention and development of local services and community facilities in villages, such as local shops and meeting places. The matter of competition between businesses is not a material planning consideration and cannot be taken into account in the determination of this application. Development plan policies do seek to support the retention and



development of existing community and visitor facilities and services and were an application made proposing the loss of an existing service such as a local shop and Post Office, it would require very careful consideration. However, the planning system cannot control the success of the proposed new business nor any impact (positive or negative) it may have on similar local businesses and any suggestion that approval of the proposed tea room may lead to the decline or closure of one or both existing cafes in the village is speculation at best and beyond what can be considered in the determination of this application.

- 5.5 Were this site not associated with an existing tourism site and it would be necessary to consider the principle against the second part of Policy DP14, an assessment against criterion (e) would be required. This criterion requires that new tourism development in the open countryside does not compromise existing facilities in more sustainable locations. Were it necessary to make this assessment, it would be noted that the existing cafes and pub are in more sustainable locations than the application site, being located within the main settlement and closer to Salhouse train station and with bus stops close by, however this is not a consideration here and the comment is made on an explanatory basis only in response to the objections received,
- 5.6 Furthermore, the consideration of 'compromising' existing facilities cannot include the economic viability of existing businesses but does take account of the overall need for these facilities and whether provision of a similar new facility in a less sustainable location would divert users to a less appropriate location with greater environmental impacts. Whilst it is not necessary for this proposal to comply with this part of the policy as it can be regarded as an appropriate and sustainable location having a close association with the existing tourism site of Salhouse Broad, it can be considered that the scale of the proposal and its relationship with Salhouse Broad would be such that it would not compromise the existing facilities within the village.
- 5.7 It is noted some representations raise DP27 as a relevant policy. This policy seeks to protect existing community, visitor and recreation facilities and sets criteria for the consideration of new development for local community uses and facilities. The reasoned justification of the policy identifies community facilities as shops, post offices, public houses, primary schools, etc. which provide essential services that contribute to the sustainability of communities. A tea room is not considered to be an essential community facility and this is not considered a relevant policy against which to assess this proposal.
- 5.8 Whilst the opposition to the proposed use and concerns about the impacts on the existing local businesses are appreciated, the assessment remains that the proposal is acceptable in principle and there are no material planning considerations which would justify a refusal of planning permission for a new tea room here. The retention of the first floor accommodation as a flat is also considered acceptable and it is not

considered reasonable or necessary for this to be linked to the use of the ground floor as a tea room.

#### Impacts of use

- 5.9 Whilst the proposed use is considered acceptable in principle, it is necessary to consider what impacts this may have. The majority of the representations received raise concerns about the provision of parking locally. The Broad car park is known to reach capacity and overspill with vehicles parking along the road. The Highways Authority are aware of this and note that the proximity of the proposed tea room may lead to visitors leaving their vehicle in the Broad car park while they visit the tea room, reducing turnover in the car park and increasing the likelihood of parking on the road. They have recommended 13 parking spaces are provided on site with appropriate signage and that the access point with the highway is resurfaced. Amended proposals have been submitted seeking to address these recommendations and the response of the Highways Authority is awaited.
- 5.10 With regards amenity, there are no neighbouring dwellings to be affected by the proposal. It is however appreciated the new use may result in more activity and noise than the existing dwelling would and use of the external seating and parking may be seen and heard from users of the Salhouse Broad boardwalk to the west. Any impact here would be transient as walkers or cyclists pass and views would be glimpsed through the tree cover which would also provide some buffer to the noise. It is not therefore considered the proposal would significantly affect the amenity of users of the boardwalk or surrounding area. It is considered necessary to condition the opening hours to those proposed in the interests of precision and ensuring it remains a daytime use and it is also considered necessary to remove permitted development for any future change of use. Subject to these conditions, the proposal can be considered acceptable in accordance with Policy DP28.
- 5.11 Representations have also raised concerns about the impact on ecology. The operational development is all within a domestic garden and the parking is where there is an existing hardstanding. It is not therefore considered this or the proposed use would result in any significant adverse impacts on ecology but there is an opportunity to enhance biodiversity and appropriate measures should be conditioned in accordance with Policy DP1.

#### Alterations to the dwelling

- 5.12 The existing dwelling is a characterful vernacular cottage set in a well maintained garden which has a rural domestic character. The cottage and its mature gardens are referred to in the Salhouse Conservation Area Appraisal. The proposed alterations to doors and windows would be in a style and material (timber) to match the existing and most would use existing or blocked up openings. Although these alterations are proposed to facilitate a new commercial use, it is considered they would be of high

quality and maintain the domestic cottage character. They are therefore considered acceptable in accordance with Policy DP4

#### Alterations within the site

- 5.13 The 12 parking spaces are proposed where there is an existing hardstanding and the replacement of the concrete surface with gravel is considered more appropriate. The disabled space, which provides the 13<sup>th</sup> space, would be sited closer to the dwelling but in proximity to trees and an Arboricultural Impact Assessment is to be submitted. The gravel surface to the path and small seating area and provision of the majority of external seating on the existing lawn is considered appropriate to maintain the informal, domestic character. The provision of a ramp is a necessary addition and subject to agreement on the materials of this, is considered acceptable. Subject to the conclusions of the Arboricultural Impact Assessment and details of materials, these alterations are considered acceptable.
- 5.14 Whilst use as a tea room and flat would not benefit from any permitted development rights, they would exist for new boundary treatments and subdivision of the site may be detrimental to the cottage and its setting so it is recommended these rights are removed on any permission granted.

#### Impact on Conservation Area

- 5.15 In isolation the alterations to the dwelling and within the site are considered broadly acceptable. Beyond the site boundaries the parking area would be seen from the road and there would be glimpsed views through the trees from the boardwalk. The boardwalk would also provide more distant glimpsed views of the cottage and external seating area. These views would be more apparent in the winter when there are no leaves on the trees, but this is also likely to be the time when the external seating is used least. The informal provision of the seating on the lawn would limit its visual impact (the proposal has been amended from raised terrace attached to the cottage) and the sight of parked cars is not considered significantly detrimental. It is not therefore considered the proposed use or operational development would result in any harm to loss of significance of the designated heritage asset of the Conservation Area and it is considered acceptable in accordance with Policies CS5 and DP5 and the National Planning Policy Framework in respect of heritage assets.

## **6 Conclusion**

- 6.1 The application proposes the change of use of the ground floor of an existing dwelling to a tea room, retaining the first floor as a flat. Given the proximity and link to the popular tourism site of Salhouse Broad, the provision of a complementary tourism facility here is considered acceptable in principle. It is appreciated that the village of Salhouse is well served with community and visitor facilities in the form of two existing cafes with associated retail elements and that the decline or loss of either of these would be regrettable. However, it is not the role of the planning system to manage competition

between businesses and any impact of the proposed new tea room, positive or negative, on the economic viability of any existing business is not a material planning consideration. Whilst the local interest in this application is understood, in planning terms the proposed use is considered acceptable in principle in accordance with Policy DP14.

- 6.2 The alterations to facilitate this change of use are considered to preserve the rural, domestic character of this cottage and it is not considered there would be any harm to the wider Conservation Area.
- 6.3 The acceptability of the proposal in terms of highways and the impact of trees is yet to be determined and the proposal is recommended for approval subject to satisfactory solutions in these respects.

## **7 Recommendation**

Approve subject to conditions:

- i. Standard time limit
- ii. In accordance with approved plans
- iii. Ground floor to be used as a tea room (A3) only.
- iv. First floor to be used as a flat (C3) only.
- v. Remove permitted development rights for change of use.
- vi. Opening times: 0800 to 1900, seven days a week
- vii. Provision of parking prior to first use
- viii. Materials of ramp to be approved
- ix. Provision of new surface to access prior to first use
- x. Provision of signage indicating availability of parking prior to first use

Plus any other highways or trees conditions as may be considered necessary.

## **8 Reason for recommendation**

Subject to the resolution of highways and trees matters, the proposal is considered to be acceptable in accordance with Policies CS1, CS5, CS9 and CS18 of the adopted Core Strategy (2007), Policies DP1, DP4, DP5, DP11, DP14 and DP28 of the adopted Development Management Policies (2011) and the National Planning Policy Framework (2012) which is also a material consideration in the determination of this application.

List of Appendices: Appendix 1 Location Plan

Background papers: Application File BA/2016/0260/CU

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Date of Report: 29 September 2016

## Appendix 1

